

COMPLIANCE WITH APPLICABLE LAWS, ORDINANCES, REGULATIONS, AND STANDARDS

7.1 INTRODUCTION

This section is provided in order to facilitate the California Energy Commission's (CEC) preparation of Mandatory Findings and Conclusions relative to the proposed PEF Expansion at the existing Pastoria Energy Facility in compliance with Public Resources Code (PRC) Sections 25216.3 and 25402(d), as well as conformity of the proposed PEF Expansion with applicable federal, State, local, or regional laws, ordinances, regulations, and standards (LORS).

The LORS applicable to each project siting and construction, design and operation, and environmental topic are identified in the following subsections. Table 7-1 provides a summary of federal, state, and local LORS, administering agencies, and requirement for compliance with respect to construction and operation of the PEF Expansion as identified in Section 5.0. Conformance of the proposed project to the LORS is generally addressed within each environmental topic (Section 5.0).

In accordance with the California Public Resources Code, Section 25500 *et seq.*, the CEC has exclusive power to certify this Application for Certification (AFC). The CEC operates under the authority of California Public Resources Code § 25550, which states in part:

... the commission shall have the exclusive power to certify all sites and related facilities in the state... The issuance of a certificate by the commission shall be in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law ... and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law.

During the AFC process, the CEC will consider resource and environmental issues addressed in the AFC. In so doing, the CEC will insure compliance with federal, State, and local laws, ordinances, regulations, and standards.

State and local agencies are encouraged to comment during the AFC licensing process. However, the CEC decision may supersede the need to obtain any State or local permit in the interest of project implementation.

TABLE 7-1
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.2 Need for Facility Demand Conformance	Section 2.0, Project Objectives	None	None applicable.	--	--
7.3 Project Siting and Construction				--	--
7.3.1 Engineering Geology	Section 5.3,	Federal	None applicable.	--	--
	Geological Hazards and Resources	State	California Public Resources Code (PRC) 25523(a); 20 CCR § 1752(b) & (c).	Kern County Engineering & Survey Services Department Building Inspection Division	No project components cross an Alquist-Priolo Special Study Zone (APSSZ).
		Local	California Building Code (CBC) Appendix Chapter 33.	Kern County Engineering & Survey Services Department Building Inspection Division	Control excavation, grading, construction, to safeguard life and property welfare.
		Industry	See "Foundations and Civil Engineering Design Criteria" (Appendix C).	--	Meet design criteria.
7.3.2 Civil and Structural Engineering	Section 3.5, Facility	Federal	None applicable.	--	--
	Civil/ Structural Features	State	None applicable.	--	--
		Local	Kern County Special Development Standards Chapter 19.80 of the Kern County Zoning Ordinance Code July 2003).	Kern County Planning Department	Meet design criteria

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.3.2 Civil and Structural Engineering (Continued)		Industry	See "Foundations and Civil Engineering Design Criteria" (Appendix C) and "Structural and Seismic Engineering Design Criteria" (Appendix D).	--	Meet design criteria.
7.3.3 Mechanical Engineering		Federal	None applicable.	--	--
		State	State of California Administrative Code; Title 8.	Division of Occupational Safety and Health (DOSH)	Meets requirements for a Boiler Unfired Pressure Vessel Code Inspection.
		Local	None applicable.	--	--
		Industry	See "Mechanical Engineering Design Criteria" (Appendix E) and "Control Systems Engineering Design Criteria" (Appendix G).	--	Meet design criteria.
7.3.4 Electrical Engineering		Federal	None applicable.	--	--
		State	None applicable.	--	--
		Local	None applicable.	--	--
		Industry	"Electrical Engineering Design Criteria" (Appendix F) and "Control Systems Engineering Design Criteria" (Appendix G).	--	Meet design criteria.
7.4 Project Design and Operation					
7.4.1 Power Plant Reliability		Federal	None applicable.	--	--
		State	None applicable.	--	--

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.4.1 Power Plant Reliability (Continued)		Local	None applicable.	--	--
		Industry	EPRI, NERC, various codes and standards for components.	--	EPRI and NERC trade associations guidelines will be followed.
7.4.2 Public/Worker Safety and Health Protection	Section 5.16, Public Health; Section 5.17, Worker Safety	Federal	Occupational Safety & Health Act of 1970 (OSHA), 29 USC § 651 et seq.; 29 CFR § 1910 et seq.; and 29 CFR § 1926 et seq.	Fed-OSHA and DOSH	Meet employee health and safety standards for employer-employee communications, electrical operations, and chemical exposures.
			Department of Labor, Safety and Health Regulations for Construction Promulgated Under Section 333 of the Contract Work Hours and Safety Standards Act, 40 USC 327 et seq.	Fed-OSHA and DOSH	Meet employee health and safety standards for construction activities. Requirements addressed by CCR Title 8, General Construction Safety Orders.
			Uniform Fire Code, Article 80, 79, 4.	Kern County Fire Department	Meet requirements for the storage and handling of hazardous materials (Article 80), flammable and combustible liquids (Article 79), and for obtaining permits (Article 4).
			National Fire Protection Association (See Table 7.4-1 for list of standards).	Kern County Fire Department	Meet standards necessary to establish a reasonable level of safety and property protection from the hazards created by fire and explosion.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.4.2 Public/Worker Safety and Health Protection (Continued)		State	California Code of Regulations (CCR), Title 8.	DOSH	Meet requirements for a safe and hazard-free working environment. Categories of requirements include General Industry Safety Orders, General Construction Safety Orders, Electrical Safety Orders.
			California Public Resources Code § 25523 (a); 20 CCR § 1752, 1752.5, 2300-2309, and Division 2, Chapter 5, Article 1, Appendix B, Part (i), California Energy Commission (CEC).	CEC	This code provides Health Risk Assessment Guidelines to assist in the evaluation of the potential health impacts of a proposed project. The CEC requires the preparation of a quantitative health risk assessment.
			California Health and Safety Code § 25531 to 25543.3; 19 CCR §§ 2720-2734.	Governor's Office of Emergency Services and the Kern County Environmental Health Services Department	Meets requirements of the federal Emergency Planning and Community Right-to-Know Act of 1986. Generally, it requires that any business that handles a hazardous material or mixture, in amounts greater than specified thresholds, must establish and implement a business plan for emergency responses to a release or threatened release of the hazardous material or mixture.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.4.2 Public/Worker Safety and Health Protection (Continued)			California Clean Air Act, California Health & Safety Code § 39650 et seq.	California Air Resources Board (CARB), San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD)	Meet requirements for Best Available Control Technology (BACT) to minimize exposure limits to toxic air pollutants and possible risk assessments for carcinogen pollutants.
			California Health & Safety Code, Part 6, Section § 44300 et seq.	CARB and SJVUAPCD	Estimate emissions for listed air toxic pollutants and submit inventory to air district for major sources of criteria air pollutants. Follow-up from air district may require a health risk assessment.
		Local	Kern County Zoning Ordinance; Development Standards § 19.80.030.	Kern County Engineering & Survey Services	Provide safety setbacks as required by Kern County Fire Department.
		Industry	Various	Various	Industry codes and trade association standards are typically requirements of the manufacturers of equipment. Potentially applicable industry codes and standards are presented in Table 7.4-3.
7.4.3 Transmission Line Safety and Nuisance	Section 3.6, Transmission Facilities; Section 4.2, Transmission Line Safety and Nuisance	Federal	14 CFR Part 77, "Objects Affecting Navigable Airspace."	Federal Aviation Administration (FAA)	Completion of "Notice of Proposed Construction or Alteration" (NCPA), FAA Form 7460-1H.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.4.3 Transmission Line Safety and Nuisance (Continued)			Advisory Circular No. 70/7460, "Obstruction Marking and Lighting."	FAA	Meet FAA standards for marking and lighting of obstructions as identified by FAR Part 77.
			Advisory Circular 70/7460-2I, "Proposed Construction or Alteration of Objects that May Affect the Navigable Airspace."	FAA	Notify FAA prior to construction, as appropriate.
			14 CFR Part 91 "Air Traffic and General Operating and Flight Rules."	FAA	Comply with restrictions governing the operation of aircraft, including helicopters.
			49 USC § 1348, Subdivision (a).	FAA	Comply with Secretary of Transportation policy regarding safety of aircraft and utilization of airspace.
			47 CFR § 15.25, "Operating Requirements, Incidental Radiation."	FAA	Mitigation for any device that causes communications interference.
		State	20 CCR, Appendix B, Subdiv. (a), (d) (g) and Subdiv. (a), (h), §§ 1741 through 1744 and § 1752 "Information Requirements for a Non-geothermal Application."	CEC	Compliance with applicable laws for safety and reliability.
			Cal. Pub. Res. Code, § 25000 et seq., Warren-Alquist Act, § 25520 Subdivision (g).	CEC	Provide description of transmission line including the right of way. No additional action expected.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.4.3 Transmission Line Safety and Nuisance (Continued)			General Order 52(GO-52) CPUC, "Construction and Operation of Power and Communication Lines."	California Public Utility Commission (CPUC)	Not applicable to the PEF Expansion.
			General Order 95 (GO-95) CPUC, "Rules for Overhead Electric Line Construction".	CPUC, CEC	Not applicable to the PEF Expansion.
			Radio & Television Interference (RI/TVI) Criteria.	CEC	Not applicable to the PEF Expansion.
		Local	Kern County General Plan, Energy Element (2004).	Kern County Planning Department	Not applicable to the PEF Expansion.
		Industry	None applicable.	--	--
7.4.4 Pipelines	Section 3.7, Pipelines	Federal	Code of Federal Regulations, Title 49, Parts 190-199 October 1, 1998 including safety program, minimal federal standards, and response plans for Transportation of Natural and Other Gas by Pipeline.	U.S. Department of Transportation (USDOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) Office of Pipeline Safety (OPS)	Not applicable to the PEF Expansion because it will use the existing PEF fuel gas supply pipeline.
		State	See Section 7.4.4.2.	--	--
		Local	Standard Specifications for Water Distribution Facilities.	Wheeler Ridge-Maricopa Water Storage District	Not applicable to the PEF Expansion because it will use the existing PEF water supply pipeline.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.4.4 Pipelines (Continued)			Standard Subdivision Improvement Agreement and Rule 15.	Wheeler Ridge-Maricopa Water Storage District	Not applicable to the PEF Expansion because it will use the existing water supply pipeline.
		Industry	ANSI/AWWA C151/A21.5.; also ASCE, ASTM, ASME, and the NACE.	--	Not applicable to the PEF Expansion because it will use the existing PEF fuel gas supply pipeline.
7.5 Environmental Information					
7.5.1 Introduction					
7.5.2 Air Quality	Section 5.2, Air Quality	Federal	Federal Clean Air Act (FCAA), as amended.	EPA, Region 9, CARB and SJVUAPCD (as delegated)	Portions of Clean Air Act, codified by the EPA or delegated to state/local agencies as described below.
			Prevention of Significant Deterioration (PSD), 40 CFR 52.21	EPA, Region 9	Applicant will apply for PSD permit and project will satisfy all PSD permits.
		Federal/Local	40 CFR Part 60 Subpart GG, SJVUAPCD Rule 4001.	SJVUAPCD	Project's controlled emissions will satisfy New Source Performance Standards (NSPS) for stationary gas turbines. NO _x emissions will be less than NSPS limits. Natural gas will satisfy NSPS fuel requirements for SO ₂ . Required monitoring plans will be prepared and monitoring will be performed.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.2 Air Quality (Continued)		Federal/Local	FCAA Title V, 40 CFR Part 70, SJVUAPCD Rule 2520.	SJVUAPCD	Applicant will file an application to the SJVUAPCD within 12 months after plant startup, as required, and obtain a Federal Operating Permit.
			FCAA Title IV, 40 CFR parts 72-78.	EPA, Region 9	SO ₂ allowances will be acquired by the Applicant. Required monitoring plans will be prepared and emissions will be monitored for acid rain programs.
		State	California Clean Air Act of 1988, as amended (CCAA).	SJVUAPCD with California Air Resources Board (CARB) oversight	Project will comply with CCAA requirements through compliance with all applicable SJVUAPCD rules.
		Local	California Health & Safety Code, Chapter 4, Article 1, § 42300 et seq.; CCR § 1745.5; SJVUAPCD Rules 2010 and 2201.	SJVUAPCD with CARB oversight.	New source permitting requirements will be satisfied via SJVUAPCD's review and issuance of a Determination of Compliance and Certification by CEC. Furthermore, project will apply BACT and emissions will be offset by valid ERCs, as required. Project will not cause or contribute to a violation of state or federal AAQS.
			Cal. Health & Safety Code, § 4430.	SJVUAPCD with CARB oversight	Future requirement: Applicant will file Air Toxics "Hot Spots" Information and Assessment, as required, after start of operation.
		Industry	None applicable	--	--

TABLE 7-1 (CONTINUED)
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LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.3 Geologic Hazards and Resources (addressed in Section 7.3.1 of this table)	Section 5.3, Geologic Hazards and Resources	--	--	--	--
7.5.4 Agriculture and Soils	Section 5.4, Agriculture and Soils	Federal	Federal Water Pollution Control Act of 1972; Clean Water Act of 1977 (including 1987 amendments).	California Regional Water Quality Control Board, Central Valley Region 5 (RWQCB)	Meet discharge requirements relative to sediment due to accelerated erosion.
			Soil Conservation Service (SCS), National Engineering Handbook (1983), Sections 2 and 3.	USDA Natural Resources Conservation Service (NRCS).	Implement standards for the planning, design, and conservation of soil conservation practices.
		State	Cal. Pub. Res. Code § 25523(a); CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i).	CEC	Submission of information to the CEC concerning potential environmental impacts.
			Guidelines for Implementation of CEQA, Appendix G; 14 CCR § 15000 – 15387.	CEC	Evaluate erosion or siltation and conversion of agricultural lands.
			California Porter-Cologne Water Quality Control Act of 1969, as amended; Cal. Water Code, § 13260 - 13269; 23 CCR Chapter 9.	CEC, the RWQCB and the State Water Resources Control Board	Adequate protection of water quality by appropriate design, sizing and construction of erosion and sediment controls; obtain waste discharge requirements concerning potential surface water pollution from project area runoff.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.4 Agriculture and Soils (Continued)		State/Local	California Land Conservation Act (Williamson Act). Cal. Government Code Title 5, Part 1, Chapter 7 Section §§ 51200-51295.	Department of Conservation, Division of Land Resources Protection ; administered by the Kern County Planning Department.	Pastoria Expansion Project did require cancellation of Williamson Act contract for 30-acre plant site. No additional action expected.
		Local	Kern County General Plan – Land Use/Conservation/Open Space Element, 2004.	Kern County Planning Department and Kern County Planning Commission	Comply with General Plan.
			Hydrology Manual For the County of Kern (1992)	Kern County Planning Department	Design drainage system to meet criteria.
			Kern County Code of Building Regulation Grading Code.	Kern County Engineering & Survey Services Department, Building Inspection Division.	Comply with grading code chapter 17.28.
		Industry	None applicable.	--	--

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.5 Water Resources	Section 5.5, Water Resources	Federal/State	Clean Water Act § 402, 33 USC § 1342; 40 CFR Parts 122 – 136; State Construction Storm Water Program.	RWQCB, and the EPA, Region 9	National Pollution Discharge Elimination System (NPDES) permit for construction activities. General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Preparation of a Stormwater Pollution Prevention Plan (SWPPP) and Monitoring Program. PEF Expansion will conform to the Construction Activity Stormwater Permit and Industrial Activity Stormwater permits obtained for the Pastoria Energy Facility.
			40 CFR Parts 144, 146.	EPA, Region 9	Wastewater discharged to ground injection wells must comply with permit requirements. Integrity of well casings and ability of formation to accept discharge will be periodically tested.
			Clean Water Act § 311; 33 USC § 1321; 40 CFR Parts 110, 112, 116, and 117.	EPA, Region 9; RWQCB, and the California Office of Emergency Services (OES).	Reporting of any prohibited discharge of oil or hazardous substance.
		State	California Porter-Cologne Water Quality Control Act of 1969, as amended; Cal. Water Code, § 13000-14957; Division 7, Water Quality.	CEC, the RWQCB and the State Water Resources Control Board	Siting, operation and closure of waste disposal requires submission of waste and site classification for waste discharge permit.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.5 Water Resources (Continued)			California Constitution, Article 10 § 2.	State Water Resources Control Board	Avoid the waste or unreasonable uses of water. Regulates methods of use and methods of diversion of water.
			State Water Resources Control Board, Resolution 75 - 58 (June 18, 1975).	State Water Resources Control Board and the CEC	Comply with policy on the use and disposal of inland water used for power plant cooling.
			California Water Code § 13260 - 13269; 23 CCR Chapter 9.	RWQCB	The code requires the filing of a report of waste discharge and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of the waters of the state. The waste discharge requirements will serve to enforce the relevant water quality protection objectives of the Water Quality Control Plan and federal, technology-based effluent standards applicable to the PEF Expansion. With respect to potential water pollution from construction activities, the waste discharge requirements may incorporate requirements based on the Clean Water Act § 402(p) and implementing regulations at 40 CFR Parts 122 seq.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.5 Water Resources (Continued)			California Water Code §§ 13271 – 13272; 23 CCR §§ 2250 - 2260.	RWQCB, and the Governor's Office of Emergency Services	Reporting of releases of reportable quantities of hazardous substances or sewage and releases of specified quantities of oil or petroleum products.
			California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2 Subchapter 5, Article 1, Appendix B, Part (1).	CEC	Requires information concerning proposed water resources and water quality protection.
			California Environmental Quality Act, Public Resources Code § 21000 <i>et seq.</i> ; CEQA Guidelines, 14 CCR § 15000 <i>et seq.</i> ; Appendix G.	CEC	Definitions of projects which can be considered to cause significant impacts to water resources. The project is not expected to cause significant impacts to water resources, as described in Section 5.5.2.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.5 Water Resources (Continued)			The Monterey Agreement.	State Department of Water Resources and the Kern County Water Agency	The principles outlined in the Monterey Agreement provide for increased agricultural water supply reliability, lower costs, water transfers, and more flexibility in operating the State Department of Water Resources and State Water Project. The Agreement between the State Department of Water Resources and State Water Project contractors was signed in December 1994. The Kern County Water Agency (KCWA) is a State Water Project contractor, and the Wheeler Ridge-Maricopa Water Storage District is a member KCWA agency. The project will not affect the policies of this agreement.
			Clean Water Act § 401, Waiver of Discharge Requirements.	RWQCB	Obtain certification that discharges will comply with Clean Water Act.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.5 Water Resources (Continued)		Local	Kern County Water Agency.	The Kern County Water Agency (KCWA) and Wheeler Ridge-Maricopa Water Storage District	KCWA has primary authority to acquire and contract for water supplies for Kern County, with additional authority to control flood and storm waters, protect the quality of underground waters, and conduct investigations relative to water resources. The Pastoria Energy Facility which includes the PEF Expansion will receive water from the Wheeler Ridge-Maricopa Water Storage District, which in turn contracts for State Water Project supplies from the KCWA.
			Kern County General Plan, Section 1.3 – Physical and Environmental Constraints (2004).	The administering agencies are the Kern County Planning Department and the Kern County Engineering & Survey Services Department, as applicable	Kern County will not permit new development on lands that are environmentally unsound and unable to support such development. This includes regulations regarding areas of shallow groundwater, construction of sewage disposal facilities, and construction within flood hazard or flood channel areas.
			Kern County Code of Building Regulations, Chapter 17.20.	Kern County Engineering & Survey Services Department, Kern County Building Inspection Division	Proposed development (i.e., leach field disposal system) must be in accordance with specific standards.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.5 Water Resources (Continued)			Wheeler Ridge-Maricopa Water Storage District Standard Specifications for Water Distribution Facilities.	Wheeler Ridge-Maricopa Water Storage District	Project installations should be constructed in compliance with District requirements.
			Kern County Floodplain Management Plan, Chapter 17.48, Kern County Code of Building Regulations.	Kern County Engineering & Survey Services Department.	Requirements should be met in regards to building in the floodplain.
		Industry	None applicable.	--	--
7.5.6 Biological Resources	Section 5.6, Biological Resources	Federal	Endangered Species Act of 1973; 16 USC § 1531 et seq.; 50 CFR Parts 17 and 222.	US Fish and Wildlife Service (USFWS)	Protection and management of federally-listed threatened or endangered plants and animals and their designated critical habitats (terrestrial and avian species). Section 10a Endangered Species Act consultation with USFWS is not considered necessary for the PEF Expansion.
			National Environmental Policy Act (NEPA); 42 USC § 4321 et seq.	--	Analysis of impacts of Federal action is not applicable to the PEF Expansion.
			Migratory Bird Treaty Act; 16 USC §§ 703 - 711; 50 CFR Subchapter B.	USFWS	Protection of migratory birds. Not applicable to the PEF Expansion.
			Fish and Wildlife Coordination Act; 16 USC §§ 661 - 666.	USFWS	Conservation of fish and wildlife. Not applicable to the PEF Expansion.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.6 Biological Resources (Continued)			Clean Water Act of 1977; 33 USC § 1251 – 1376, 30 CFR § 330.5(a)(26).	US Corps of Engineers	Protection of wetlands. Not applicable to the PEF Expansion.
		State	California Endangered Species Act of 1984; California Fish & Game Code §§ 2050 - 2098.	California Department of Fish and Game (CDFG)	Consultation requirement. Not applicable to the PEF Expansion.
			Native Plant Protection Act of 1977; California Fish & Game Code §§ 1900 et seq.	CDFG	Rare and endangered plant protection. Not applicable to the PEF Expansion.
			California Species Preservation Act of 1970; California Fish & Game Code §§ 900-903.	CDFG	Protection and enhancement of the birds, mammals, fish, amphibians and reptiles of California. Not applicable to the PEF Expansion.
			California Fish & Game Code § 3503, § 3513, and § 355 – 357.	CDFG	No taking or possessing of the nests or eggs of birds. Not applicable to the PEF Expansion.
			California Fish & Game Code § 3511 and § 5050.	CDFG	No taking of birds, reptiles, or amphibians listed as fully protected. Not applicable to the PEF Expansion.
			California Fish & Game Code § 1600 – 1616.	CDFG	Impacts to waters of the State not applicable to the PEF Expansion.
			California Fish & Game Code § 1930-1933.	CDFG Natural Heritage Division	Significant Natural Areas Program (SNAP) database of natural resources. Not applicable to the PEF Expansion.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.6 Biological Resources (Continued)			California Environmental Quality Act; California Public Resources Code § 21000 et seq.	CEC	§ 21001, § 21006 specifies that CEQA review and compliance is an integral part of any public agency's decision making process, including, but not limited to, the issuance of permits, licenses, and certificates.
			California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 – 2309, and Chapter 2, Subchapter 5, Article I, Appendix B, Part (i).	CEC with comment by the CDFG	Inclusion of requirements in the CEC's decision on an AFC to assure protection of environmental quality considered to have a significant effect on listed species.
		Local	Land Use/ Conservation/Open Space, Element of Kern County General Plan, 2004.	Kern County Planning Department	Ensure that proposed development projects demonstrate a high degree of compatibility with any threatened or endangered species habitat they may effect.
		Industry	None applicable.	--	--
7.5.7 Cultural Resources (addressed in Section 7.5.8 below)					

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.8 Cultural and Paleontological Resources		Federal	National Historic Preservation Act of 1966 (NHPA), as amended; 16 USC § 470 et. seq.; Section 106; 36 CFR 800.	The administering agency for the above authority is the State Historic Preservation Officer (SHPO) and the federal lead agency. Federal involvement has not yet been identified for the PEF Expansion, thus a lead Federal agency would be identified at the time the PEF Expansion is determined to be a "Federal undertaking"	The code includes provisions for protection of significant archaeological and historical resources. Procedures for dealing with previously unsuspected cultural resources discovered during construction are identified in 36 CFR 800 (for implementing § 106 processes). Regarded as not applicable to the PEF Expansion due to lack of an identified Federal nexus.
	Section 5.7, Cultural Resources; Section 5.8, Paleontology		NEPA; 42 USC 4321 - 4327; 40 CFR § 1502.25.	Lead Federal Agency	Analysis of potential environmental impacts on Federal lands. Not applicable to the PEF Expansion.
			1978 Memorandum from the Acting Director of the US BLM.	Lead Federal Agency	Implement significance criteria for paleontological resources. Not applicable to the PEF Expansion.
			Federal Antiquities Act of 1906: 16 USC 432, 433.	Lead Federal Agency	Basic legislation for preservation of cultural properties on Federal lands. Not applicable to the PEF Expansion.
			Executive Order 11593.	Lead Federal Agency	Directs Federal agencies to inventory, nominate properties to the National Register of Historic Places (NRHP) and protect cultural resources. Not applicable to the PEF Expansion.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.8 Cultural and Paleontological Resources (Continued)			Archaeological and Historic Preservation Act of 1976 (16 USC 469).	Secretary of the Interior and Lead Federal Agency	Provides for coordination with the Secretary of the Interior when a Federally licensed undertaking may cause irreparable damage to significant cultural resources. Not applicable to the PEF Expansion.
			Archaeological Resources Protection Act of 1979 16 USC 470a et. Seq.	Secretary of the Interior and Lead Federal Agency	Provides for felony-level penalties for destruction, damage or removal of archaeological resources more than 100 years old on Federal lands. Not applicable to the PEF Expansion.
			American Indian Religious Freedom Act of 1979 (42 USC 1996).	Lead Federal Agency	Establishes US Government policy to protect and preserve traditional religious beliefs and practices. Not applicable to the PEF Expansion.
			Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001).	Lead Federal Agency	Establishes mechanism for right of Indian tribes to claim ownership of human remains and certain cultural items. Not applicable to the PEF Expansion.
			Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, September 29, 1983.	Secretary of the Interior and Lead Federal Agency	Establishes standards for the gathering and treatment of data related to cultural resources. Not applicable to the PEF Expansion.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.8 Cultural and Paleontological Resources (Continued)		State	California Environmental Quality Act (CEQA) Section 15064.5; California Public Resources Code § 5024, 5024.5, and 21083.2; Title 14, CCR § 15126.	CEC	Formal findings by the lead state agency regarding project-related effects to important cultural resources and unique paleontological resources.
			Cal. Pub. Res. Code §§ 25523(A), 25527; 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i).	CEC	Special consideration of unique historical, archaeological and cultural sites.
			Cal. Health & Safety Code § 7050.5.	Kern County Coroner /Public Administrator Division	Determination of origin of human remains and coordination with Native American Heritage Commission.
			Cal. Pub. Res. Code § 5024.1 and § 5020.4.	Office of Historic Preservation, State Historical Resources Commission	Establishes the California Register of Historical Resources and procedures for nominating sites to the National Register of Historic Places, the California Register of Historical Resources, and the California Historical Landmarks and California Points of Historical Interest registration programs.
			Cal. Pub. Res. Code § 5097.5.	Kern County Planning Department.	Prevent unauthorized removal of archaeological resources or paleontological remains on public lands.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.8 Cultural and Paleontological Resources (Continued)			Cal. Pub. Res. Code § 5097.94 and 5097.98.	Native American Heritage Commission	Provides for mediation of disputes related to recovery and treatment of Native American human remains and identification of Most Likely Descendants.
		Local	Kern County General Plan; Section 1.10.3, Archaeological, Paleontological, Cultural and Historic Preservation (Kern County, 2004).	Kern County Planning Department	The County will promote the preservation of cultural and historic resources.
		Industry	None applicable.	--	
7.5.9 Land Use	Section 5.9, Land Use	Federal	None applicable.	--	--
		State	Cal. Pub. Res. Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Appendix B, Part (i)(3) and (4).	CEC	Evaluate compatibility of the proposed project with relevant land use plans.
		State/Local	California Land Conservation Act (Williamson Act), Cal. Government Code Title 5, Part 1, Chapter 7, Section §§ 51200-51295.	Department of Conservation, Division of Land Resources Protection; administered by the Kern County Planning Department.	Pastoria Expansion Project did require cancellation of Williamson Act contract for 30-acre plant site. No additional action expected.
		Local	Kern County Zoning Ordinance, Title 19.	Kern County Planning Department.	Compliance with goals and policies, and specific zoning requirements.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.9 Land Use (Continued)			Kern County General Plan, Land Use/Conservation/Open Space Element (2004).	Kern County Planning Department..	Comply with land use provisions.
			Encroachment Permit Guidelines: Guidelines for Overhead Electrical and Telephone Encroachments.	Kern County Planning Department	Obtain rights of way permits, and will be subject to clearance requirements and comply with tower/pole location restrictions and other requirements.
		Industry	None applicable.	--	--
7.5.10 Socioeconomics	Section 5.10, Socioeconomics	Federal	Executive Order 12898 (Environmental Justice).	EPA for Executive Branch; CEC	Project will have no minority-based or income-based environmental justice issues.
		State	Cal. Gov. Code §§ 53080, 65955 – 65997.	Kern County Planning Department.	Levies against development projects near school districts.
			CEQA, Cal. Pub. Res. Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Appendix B, Part (i); 14 CCR § 15131.	CEC	Inclusion of economic or social effects analysis in AFC.
		Local	None applicable.	--	--
		Industry	None applicable.	--	--
7.5.11 Traffic and Transportation	Section 5.11, Traffic and Transportation	Federal/State	49 CFR, Chapter II, Subchapter C; and Chapter III, Subchapter B.	U.S. Department of Transportation (USDOT) and California Department of Transportation (CalTrans)	Meet standards for the transportation of hazardous materials.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.11 Traffic and Transportation (Continued)		State	Cal. Vehicle Code, § 35780; Cal. Streets & Highways Code §§ 117 and 660-711; 21 CCR §§ 1411.1-1411.6.	CalTrans	Transportation permits will be obtained for overloads over State highways.
			Cal. Streets & Highways Code §§ 117 and 660-711; CCR §§ 1411.1-1411.6.	CalTrans	Encroachment permits on State highway rights of way.
			Cal. Vehicle Code § 31300 et seq.	CalTrans	Includes provisions for transportation of hazardous materials on State highways.
		Local	Kern County Regional Transportation Plan.	Kern Council of Governments	Establishes regional transportation goals, policies, objectives, and actions for various modes of transportation, including intermodal and multimodal transportation activities. The RTP is implemented through the County Transportation Improvement Program (TIP).
			Kern County Congestion Management Plan.	Kern Council of Governments	Establishes guidelines for development of a balanced transportation system, relating population and traffic growth, land use decisions, level of service (LOS) performance standards, and air quality improvement.
			Kern County General Plan, Transportation and Circulation Element.	Kern County Planning Department.	Compliance with goals and policies for County transportation and traffic systems.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.11 Traffic and Transportation (Continued)			Encroachment Permits.	Kern County Resource Management Agency, Roads Department, Transportation & Encroachment Permits Division	Requires encroachment permits for pipeline crossings of County-maintained roadways.
		Industry	None applicable.	--	--
7.5.12 Noise	Section 5.12, Noise	Federal	EPA 1974 Noise Guidelines.	--	Guidance level.
			Occupational Safety and Health Act of 1970 (OSHA), (29 CRF § 1919 et seq.).	Fed-OSHA; California Department of Industrial Relations	Comply with worker noise exposure levels.
			Noise Control Act of 1972 as amended by the Quiet Communities Act (1978); (42 USC 4901 – 4918).	--	Guidance level.
		State	Cal-OSHA Occupational Noise Exposure Regulations (8 CCR, General Industrial Safety Orders, Article 105, Control of Noise Exposure, § 5095, et seq.)	Cal-OSHA, California Department of Industrial Relations	Comply with worker noise exposure standards.
			Cal. Noise Control Act of 1973 (Cal. Health and Safety Code, Division 28).	--	Comply with local noise ordinances.
		Local	Kern County General Plan - Noise Element, 2005.	Kern County Planning Department	Comply with local noise ordinances.
		Industry	None applicable	--	--

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.13 Visual Resources	Section 5.13, Visual Resources	Federal	None applicable.	--	--
		State	None applicable.	--	--
		Local	Kern County General Plan - Land Use/ Conservation/Open Space Element (2004) and Chapter 19.86, Kern County Zoning Ordinance Code(July, 2003).	Kern County Planning Department	Requires public notification and review of any project that might adversely impact visual resources. Requires preparation of a Landscape Plan (see Mitigation Measure VIS-3).
		Industry	None applicable.	--	--
7.5.14 Waste Management (addressed in Section 7.5.15 below)			--	--	--
7.5.15 Hazardous Materials and Waste Management	Section 5.14, Waste Management and Section 5.15, Hazardous Materials	Federal	Resource Conservation and Recovery Act (RCRA); 42 USC § 6901 et seq.; 40 CFR Parts 260 - 272.	EPA, Region 9 and Cal-EPA, Department of Toxic Substances Control (DTSC)	Management of hazardous wastes.
			Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) ("Superfund"), 42 USC 9601 et seq. as amended by SARA, Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III), 42 USC § 11001 et seq; 40 CFR Parts 350, 355 and 370.	EPA, Region 9 , National Response Center, and Kern County Environmental Health Services Department	CERCLA -- release notification requirements; SARA Title III -- reporting requirements for storage, handling, or production of significant quantities of hazardous or acutely toxic substances.

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.15 Hazardous Materials and Waste Management (Continued)			29 USC § 651, 29 CFR § 1910 et seq. and § 1926 et seq.	Fed-OSHA	Meet requirements for equipment used to store and handle hazardous materials necessary to protect workers.
			49 CFR, Parts 172, 173, and 179.	California Highway Patrol (CHP) and Federal Department of Transportation (FDOT)	Meet standards for labels, placards, and markings on hazardous waste shipments.
			29 CFR § 1910 et. seq and § 1926 et seq.	Fed-EPA and OSHA.	Requirements for equipment used to store and handle hazardous materials. This regulation also addresses requirements for equipment necessary to protect workers in emergencies. It is designed primarily to protect worker health, but also contains requirements that affect general facility safety. The California regulations contained in Title 8 (California equivalent of 29 CFR) are generally more stringent than those contained in Title 29.
			40 CFR, Parts 144, 145, and 146.	Fed-EPA and the RWQCB	The regulations in these parts establish minimum requirements for Underground Injection Control (UIC) programs including State UIC program requirements (Part 145) and technical criteria and standards for the UIC program (Part 146).

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.15 Hazardous Materials and Waste Management (Continued)		State	California Porter-Cologne Water Quality Control Act; Cal. Water Code § 13260 - 13269; 23 CCR § 2510 Article 9 et seq.	RWQCB and the State Water Resources Control Board	Waste discharge requirements --address any storage or disposal of solid and liquid wastes by the project.
			Hazardous Waste Control Act of 1972, as amended; Cal. Health & Safety Code § 25100 et seq.; 22 CCR § 66001 et seq.	EPA, Region 9; the DTSC; Kern County Environmental Health Services Department	Meet requirements for the management of hazardous wastes.
			8 CCR § 339, § 3200 et seq., 5139 et seq., and 5160 et seq.	CEC	Address control of hazardous substances.
			Cal. Pub. Res. Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Parts (i).	CEC	The code sections provide for the inclusion of requirements in the CEC's decision on an AFC to assure protection of environmental quality, waste handling and control, and water quality protection based on Health Risk Assessment Guidelines. Also requires submission of information to the CEC concerning proposed water resources and water quality protection.
			Cal. Health & Safety Code §§ 25500 – 25543.3, CCR § 2720-2734.	Kern County Environmental Health Services Department	Prepare a Hazardous Materials Business Plan (HMBP).

TABLE 7-1 (CONTINUED)
PASTORIA ENERGY FACILITY 160 MW EXPANSION
SUMMARY OF LORS AND COMPLIANCE

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirements/Compliance
7.5.15 Hazardous Materials and Waste Management (Continued)			California Accidental Release Program (CalARP), Cal. Health & Safety Code § 25531 et seq.	Kern County Environmental Health Services Department	California's version of the Risk Management Program (Clean Air Act, Title III, Section 112 (r) - 42 USC Part 7412).
			Cal. Health & Safety Code § 44300 et seq. (Air Toxics "Hot Spots" Information and Assessment Act of 1987).	SJVUAPCD	Health risk assessment preparation pursuant to Section 44361 of the Cal. Health & Safety Code.
			Uniform Fire Code, Article 80 and others.	Kern County Fire Department	Provisions regarding fire protection and neutralization systems for emergency venting compressed gases.
		Local	Kern County Zoning Ordinance, Development Standards § 19.80.030.	Kern County Engineering & Surveying Services Department and Kern County Fire Department	Comply with safety setbacks as required by the Kern County Fire Department.
		Industry	AICHE - Center for Chemical Process Safety, 1985 Guidelines.	OES	Chemical Hazard Evaluation Procedures.

ADMINISTERING AGENCY CONTACTS

FEDERAL

Federal Aviation Administration
Airports Western Pacific Region
15000 Aviation Blvd.
Hawthorne, CA 90261
Karen McDonald
(310) 725-6557

US Army Corps of Engineers
Regulatory Branch
Sacramento District (CESPK-CO-R)
1325 J Street
Sacramento, CA 95814-2922
Anna Sutton, Section 404 Technician
(916) 557-5250

US Fish and Wildlife Services
San Joaquin Branch
2800 Cottage Way
Sacramento, CA 95825-1846
Shannon Holbrook
(916) 414-6630

USDA Natural Resources Conservation
Service, Service Center
5000 California Avenue
Bakersfield, CA 93309-0725
(661) 336-0967
Raul Ramirez, Soil Conservationist
(661) 861-4129 x130

U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA, 94105
24-Hour Environmental Emergencies
(800) 300-2193

U.S. Department of Transportation (USDOT), Pipeline and
Hazardous Materials Safety Administration (PHMSA)
Office of Pipeline Safety (OPS)
Regional Office:
12300 W. Dakota Avenue, Suite 110
Lakewood, CO 80228
(720) 963-3160 main number
California Engineer/Inspector: Hossein Monfared, Phillip Nguyen
Phone: (909) 937-7226

STATE

California Department of Conservation
Dennis J. O'Bryant, Acting Assistant Director
Department of Conservation
Division of Land Resource Protection
801 K Street, MS 18-01, Room 1815
Sacramento, CA 95814-3528
Phone: (916) 324-0850

California Department of Fish and Game
San Joaquin Valley & Southern Sierra Region
1234 E. Shaw Ave.
Fresno, CA 93710
Annette Jennings
Streambed Alteration Program
(559) 243-4005 x230

California Department of Fish and Game,
San Joaquin Valley & Southern Sierra Region
1234 Shaw Avenue
Fresno, California 93710
CEQA environmental review and sensitive species
Annette Tenneboe
(559) 243-4014 x 220

California Department of Toxic Substances Control
1001 I St.
Sacramento, CA 95814-2828
P.O. Box 806
Sacramento, CA 95812-0806
Jan Radimsky
Branch Chief, Permit Streamlining
(916) 324-1819

California Department of Toxic Substances Control
Clovis Field Office
1515 Tollhouse Road
Clovis, CA 93611-0522
Phone: (559) 297-3901

California Department of Water Resources
Encroachments and Relocations Section
Division of Land & ROW
P.O. Box 942836
1416 9th St., Rm. 425
Sacramento, CA 94236-0001
Connie Anderson
(916) 653-6957

STATE (Continued)

California Native American Heritage Commission
915 Capitol Mall, Rm. 364
Sacramento, CA 95814
Larry Myers, Executive Secretary
(916) 653-4082

Office of Historic Preservation
State Historical Resources Commission
P.O. Box 942896
Sacramento, CA 94296-0001
Mike McGuirt, Associate State Archaeologist
(Interim Supervisor)
(916) 653-6624

California Regional Water Quality Control Board,
Central Valley Region 5
Fresno Branch Office
1685 E St.
Fresno, CA 93706-2007
Jo Anne Kipps
Land Discharges Non-15
(559) 445-5035
Dale Harvey
Stormwater/NPDES
(559) 445-6190

Department of Health
Drinking Water Field Operations Branch
1040 East Herndon, Suite 205
Fresno, CA 93720
Rich Haberman, P.E., Supervising Sanitary Engineer
(559) 447-3131

California Regional Water Quality Control Board, Central Valley
Region 5
Fresno Branch Office
1685 E St.
Fresno, CA 93706-2007
Lonnie Wass, Contracts
(559) 455-5116

California Department of Transportation District 6
855 M St., Ste. 200
Fresno, CA 93721
P.O. Box 12616
Fresno, CA 93778
Encroachment Permits
Floyd Little
(559) 488-4058

STATE (Continued)

David Bergen
California Department of Transportation District 6
1352 West Olive Avenue
Fresno, California 93728
(559) 488-4082

California Department of Transportation Region 6
100 S. Main St.
Los Angeles, CA 90012
(213) 897-3656
Frank Quan, Deputy Director Operations
Hector Obeso
District Permits Engineer

California Department of Industrial Relations
455 Golden Gate Avenue - 10th Floor
San Francisco, California 94102
Len Welsh, Chief, Cal/OSHA
(415) 703-5100

Division of Occupational Safety and Health (DOSH)
Anaheim PV District Office
Suite 145
2100 East Katella Avenue
Anaheim, CA 92806
(714) 939-0434

California Public Utilities Commission
Los Angeles Office
320 West 4th Street, Ste. 500
Los Angeles, CA 90013
(213) 576-7000

REGIONAL

San Joaquin Valley Unified APCD
Southern Region
2700 M St., Suite 275
Bakersfield, CA 93301
Tom Goff, Permit Services Manager
Authority to Construct & Permit to Operate permits
(661) 326-6900

LOCAL

Kern County Engineering & Survey Services Department
Public Services Building
Building Inspection Division
Code Compliance Division
2700 M St., Ste. 570
Bakersfield, CA 93301
(661) 862-5100, (661) 862-8603
Charles Lackey, Director
(661) 862-8650

LOCAL (Continued)

Kern County Coroner/Public Administrator Division
1832 Flower Street
Bakersfield, CA
Jim Malouf, Chief Deputy Coroner
(661) 868-0100

Kern County Engineering & Survey Services Department
Floodplain Management & Grading Section
2700 M St., Ste. 570
Bakersfield, CA 93301-2370
(661) 862-5100
Aaron Leicht
(661) 862-8800

Kern County Environmental Health Services Department
2700 M St., Ste. 300
Bakersfield, CA 93301-2370
Steve McCalley, Director
(661) 862-8700

Kern County Fire Department
5642 Victor St.
Bakersfield, CA 93308
Fire Prevention Program
(661) 391-7000
Jolene Dugan, Inspector
(661) 391-7088

Kern County Planning Department
David Rickels, Special Projects Division Chief
2700 M Street, Ste. 100
Bakersfield, California 93301-2370
(661) 862-8611

Kern County Planning Department
2700 M Street, Ste. 100
Bakersfield, California 93301
Becki Schmidt, Planner
Encroachment Permits
(661) 862-8877

Kern County Resource Management Agency, Roads Department
Transportation & Encroachment Permits Division
2700 M Street, Ste. 400
Bakersfield, California 93301
Patricia Ebel
Transportation Development Engineer
(661) 862-8850

Wheeler Ridge - Maricopa Water Storage District
Mailing and shipping address:
12109 Highway 166
Bakersfield, CA 93313-9630
William A. Taube, Engineer-Manager, P.E.
(661) 858-2281 x14

LOCAL (Continued)

Kern Council of Governments
1401 19th St., Ste. 300
Bakersfield, CA 93301
Ron Brummett
Executive Director
(661) 861-2191

Kern County Board of Supervisors
1115 Truxtun Avenue, 5th Floor
Bakersfield, CA 93301
Ray Watson
Fourth District Supervisor
(661) 868-3680

With respect to the project compliance with the California Environmental Quality Act (CEQA), California Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, 14 CCR § 15000 *et seq.*, the Lead Agency is responsible for implementing and administering CEQA. The CEC will be the Lead Agency for the PEF Expansion. The CEC's permit review process will fulfill CEQA requirements. In addition to CEC certification of the AFC, the Applicant will obtain, as applicable, all necessary federal approvals.

7.2 NEED FOR FACILITY DEMAND CONFORMANCE

The PEF Expansion is a proposed merchant plant that is expected to be competitive in the marketplace. The State of California no longer requires that the PEF Expansion demonstrate compliance with demand conformance requirements. Refer to Section 3.0 of this AFC for a complete description of the PEF Expansion. Section 1.0, Executive Summary, provides a brief discussion regarding the recent changes in relevant requirements.

7.2.1 Federal Authorities and Administering Agencies

No laws, ordinance, regulations, standards, or codes are applicable.

7.2.2 State Authority and Administering Agency

No laws, ordinances, regulations, standards or codes are applicable, although the CEC is expected to consider the project's merits during the licensing process.

7.2.3 Local Authorities and Administering Agencies

No laws, ordinance, regulations, standards, or codes are applicable.

7.2.4 Industry Codes and Standards

No laws, ordinance, regulations, standards, or codes are applicable.

7.3 PROJECT SITING AND CONSTRUCTION

7.3.1 Engineering Geology

7.3.1.1 Federal Authorities and Administering Agencies

No federal LORS are applicable.

7.3.1.2 State Authorities and Administering Agencies

California Public Resources Code § 25523(a); 20 CCR § 1752(b) and (c). No project components cross an Alquist-Priolo Special Study Zone (APSSZ). The PEF Expansion will not be subject to requirements for construction within the APSSZ.

The administering agency for the above authority is the Kern County Engineering & Survey Services Department Building Inspection Division.

7.3.1.3 Local Authorities and Administering Agencies

California Building Code (CBC), Appendix Chapter 33. This element sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments. It establishes basic policies to safeguard life, limb, property, and public welfare by regulating grading on private property.

The Geotechnical Engineer and Engineering Geologist will certify the placement of fills and the adequacy of the site for structural improvements in accordance with the CBC, Appendix Chapter 33.

The Geotechnical Engineer will address Sections 3309 (Grading Permit Requirements), 3312 (Cuts), 3313 (Fills), 3314 (Setbacks), 3315 (Drainage and Terracing), 3316 (Erosion Control), 3317 (Grading Inspection), and 3318 (Completion of Work) of CBC, Appendix Chapter 33.

The Engineering Geologist will address Sections 3309 (Grading Permit Requirements), 3312 (Cuts), 3315 (Drainage and Terracing), 3316 (Erosion Control), 3317 (Grading Inspection), and 3318 (Completion of Work) of CBC, Appendix Chapter 33. Additionally, the Engineering Geologist will present findings and conclusions pursuant to PRC, Section 25523(a) and 20 CCR, Section 1752(b) and (c).

The administering agency for the above authority is the Kern County Engineering & Survey Services Department Building Inspection Division.

7.3.1.4 Industry Codes and Standards

Applicable codes and industry standards related to various geologic and soil features are identified in Appendix C, Foundations and Civil Engineering Design Criteria.

7.3.2 Civil and Structural Engineering

7.3.2.1 Federal Authorities and Administering Agencies

No laws, ordinance, regulations, standards, or codes are applicable.

7.3.2.2 State Authority and Administering Agency

No laws, ordinances, regulations, standards, or codes are applicable.

7.3.2.3 Local Authorities and Administering Agencies

Special Development Standards Chapter 19.80 Kern County Zoning Ordinance. Zoning districts that allow construction of industrial uses are subject to special development standards required to ensure that projects within Kern County meet at least minimum acceptable standards. Projects within the following zoning districts are subject to special development standards: R-2, R-3, CO, C-1, C-2, CH, M-1, M-2, and M-3. In certain limited circumstances projects within the A District and NR Districts may also be subject to the special development standards. The special development standards are an integral part of the building permit process and are checked by the county during the grading or building permit approval process. These standards are specified in more detail in Chapter 19.80 of the Kern County Zoning Ordinance.

The special development standards review is conducted automatically by the Kern County Planning Department staff whenever an application for a grading or building permit is made.

7.3.2.4 Industry Codes and Standards

Unless specifically stated otherwise, the design of all structures and facilities will be based on the codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project's engineering design criteria, construction and operation are summarized in Appendix C, "Foundations and Civil Engineering Design Criteria", and Appendix D, "Structural and Seismic Engineering Design Criteria".

7.3.3 Mechanical Engineering

7.3.3.1 Federal Authorities and Administering Agencies

No laws, ordinance, regulations, standards, or codes are applicable.

7.3.2.2 State Authority and Administering Agency

State of California Administrative Code; Title 8. Requirements for unfired pressure vessels are contained in the State of California Administrative Code; Title 8: Department of Industrial Relations; Part 1: Department of Industrial Regulations; Chapter 4: Division of Industrial Safety; Subchapter 1: Unfired Pressure Vessel Safety Orders. The Safety Orders of this subchapter of Title 8 establish *minimum standards* for the following:

- The design and construction of all unfired pressure vessels for plant-facility pressure systems.
- The installation, operation (including issuance of permits), inspection, and repair of air-pressure tanks and liquefied-petroleum-gas (LPG) tanks.
- The design, construction, repair, or alteration of storage tanks for liquefied natural gas (LNG) at 1/10 MPa (15 psig) or less.
- The installation, use, and repair of anhydrous-ammonia tanks.
- The design and construction of pressure vessels for storing and dispensing natural gas for motor fuel and of motor-fuel tanks installed on vehicles not licensed to travel on highways.
- The installation, use, and repair of natural-gas vessels and systems that are not a part of hazardous research equipment.

The pressure vessel unit of the Division of Occupational Safety and Health (DOSH) is responsible under Labor Code Sections 7620 et seq. for the inspection of the specified pressure vessels and tanks.

7.3.3.3 Local Authorities and Administering Agencies

No laws, ordinance, regulations, standards, or codes are applicable.

7.3.3.4 Industry Codes and Standards

Unless specifically stated otherwise, the design of all structures and facilities will be based on the codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project's mechanical engineering design criteria, construction, and operation are summarized in Appendix E Mechanical Engineering Design Criteria. Applicable sections of systems control design criteria, as summarized in Appendix G, Control Systems Engineering Design Criteria, will also be considered.

7.3.4 Electrical Engineering

7.3.4.1 Federal Authorities and Administering Agencies

No laws, ordinance, regulations, standards, or codes are applicable.

7.3.4.2 State Authority and Administering Agency

No laws, ordinances, regulations, standards, or codes are applicable.

7.3.4.3 Local Authorities and Administering Agencies

No laws, ordinance, regulations, standards, or codes are applicable.

7.3.4.4 Industry Codes and Standards

Unless specifically stated otherwise, the design of all structures and facilities will be based on the codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project's electrical engineering design criteria, construction and operation are summarized in Appendix F, Electrical Engineering Design Criteria. Applicable sections of systems control design criteria, as summarized in Appendix G, Control Systems Engineering Design Criteria, will also be considered.

7.4 PROJECT DESIGN AND CONSTRUCTION

7.4.1 Power Plant Reliability

The following LORS are applicable to the proposed PEF Expansion in the context of power plant reliability and availability which are addressed in Section 3.9.

7.4.1.1 Federal Authority and Administering Agencies

No laws, ordinances, regulations, standards, or codes are applicable.

7.4.1.2 State Authority and Administering Agencies

No laws, ordinances, regulations, standards, or codes are applicable.

7.4.1.3 Local Authority and Administering Agencies

No laws, ordinances, regulations, standards, or codes are applicable.

7.4.1.4 Industry Codes and Standards

Currently, there are no industry codes or standards that specifically govern power plant reliability. However, industry codes and standards referenced in Section 7.3 address reliability of various plant components. There are also trade organizations and associations that are generally recognized as authorities and leaders in the field of power plant availability and reliability. Definitions used by these organizations have become generally accepted as a common means of communicating and the data published have been found to be useful. The organizations are:

- The Electric Power Resource Institute (EPRI). Copies of reports can be obtained from the Research Reports Center.

3412 Hillview Avenue
Palo Alto, California 94304-1395
Telephone (415) 855-2000

- North American Electric Reliability Council (NERC) Research Park

Princeton Forrestal Village
116-390 Village Blvd
Princeton, New Jersey 08540
Telephone (609) 452-8060

Yearly and 10-year average data are presented in “Generating Availability Data System Reports”.

7.4.2 Public/Worker Safety and Health Protection

The following LORS are applicable or potentially applicable to the proposed project in the context of the public and occupational safety and health protection measures addressed in Sections 5.16 (Public Health) and 5.17 (Worker Safety). LORS applicable or potentially applicable in the particular context of transmission line safety and nuisance concerns are identified in Sections 4.2 and 7.4.3 of this AFC. Other LORS serving generally to promote worker and public safety and health are identified within Section 7.3 (Project Design and Construction); and 7.5.14 (Hazardous Materials and Waste Management).

7.4.2.1 Federal Authorities and Administering Agencies

Occupational Safety and Health Act of 1970 (OSHA), 29 USC § 651 *et seq.*; 29 CFR §§ 1910 *et seq.*; and 29 CFR § 1926 *et seq.* The authority establishes occupational safety and health standards (§ 1910) [i.e., permissible exposure limits for toxic air contaminants (§ 1910.100), electrical protective equipment requirements (§ 1910.137), electrical workers safety standards (§ 1910.269), and the requirement that information concerning the hazards associated with the use of all chemicals is transmitted from employers to employees (§ 1910.1200)] and safety and health regulations for construction (§ 1926). Subpart I of § 1910 and Subpart E of § 1926 address personal protective equipment.

Under the Operational Status Agreement of October 5, 1989 between the Federal Occupational Safety and Health Administration (OSHA) and the California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), the state resumed full enforcement responsibility for most of the relevant federal standards and regulations, (55 Fed. Reg. 18610 (July 12, 1990); 29 CFR § 1952.172). Federal OSHA has retained concurrent enforcement jurisdiction with respect to certain federal standards including standards relating to hazardous materials at 29 CFR § 1910.120 (*Id.*)

The administering agencies for the above authority are the Fed-OSHA and the DOSH (or Cal-OSHA).

Department of Labor, Safety and Health Regulations for Construction Promulgated Under § 333 of the Contract Work Hours and Safety Standards Act, 40 USC 327 *et seq.* The code establishes safety and health regulations for construction. The requirements for this regulation are all addressed in Title 8 California Code of Regulations, Chapter 4, Subchapter 4, General Construction Safety Orders.

The administering agencies for the above authority are Fed-OSHA and DOSH (or Cal-OSHA).

Uniform Fire Code, Article 80, Article 79, and Article 4. Article 80 includes provisions for storage and handling of hazardous materials. Considerable overlap exists between this code and Chapter 6.95 of the Health and Safety Code. However, the fire code does contain independent provisions regarding fire protection and neutralization systems for emergency venting (§ 80.303, D, Compressed Gases). Other articles that may be applicable include Article 79, Flammable and Combustible Liquids and Article 4, Permits.

The administering agency for the above authority is the Kern County Fire Department.

National Fire Protection Association. Prescribes minimum requirements necessary to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion. Table 7.4-1 summarizes the NFFA standards that are potentially applicable to the Pastoria Energy Facility including the PEF Expansion. The standards apply to the manufacture, testing and maintenance of the equipment.

**TABLE 7.4-1
NATIONAL FIRE PROTECTION ASSOCIATION
STANDARDS RELATED TO FIRE AND EXPLOSION HAZARDS**

Standard	Description
NFPA 1	Fire Prevention Code
NFPA 10	Portable Fire Extinguishers
NFPA 12	Carbon Dioxide Extinguishing Systems
NFPA 13	Installation of Sprinkler Systems
NFPA 14	Installation of Standpipe and Hose Systems
NFPA 15	Water Spray Fixed Systems
NFPA 20	Centrifugal Fire Pumps
NFPA 22	Water Tanks for Private Fire Protection
NFPA 24	Private Fire Service Mains and Their Appurtenances
NFPA 25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
NFPA 30	Flammable and Combustible Liquids Code
NFPA 37	Combustion Engines and Gas Turbines
NFPA 50A	Gaseous Hydrogen Systems at Consumer Sites
NFPA 68	Explosion Venting
NFPA 69	Explosion Preventing
NFPA 70	National Electric Code
NFPA 72	National Fire Alarm Code
NFPA 78	Lighting Protection Systems
NFPA 291	Testing and Marking Hydrants
NFPA 496	Purged and Pressurized Enclosures for Electrical Equipment
NFPA 497	Flammable and Combustible Liquids Classification
NFPA 1961	Fire Hose
NFPA 1962	Care, Use and Service Testing of Fire Hose Including Couplings and Nozzles
NFPA 1963	Screws, Threads, and Gaskets for Fire Hose Connections
NFPA 2001	Clean Agent Fire Extinguishing Systems
NFPA 8501	Standard for Single Boiler Operation

The administering agency for the above authority is the Kern County Fire Department.

7.4.2.2 State Authorities and Administering Agencies

California Code of Regulations (CCR), Title 8. These authorities prescribe general occupational safety and health regulations and standards in addition to the construction and industrial safety regulations, standards, and orders identified within the engineering categories addressed in Section 5.17, Worker Safety, of this AFC. Applicable sections of Title 8 CCR, Chapter 4, Subchapter 7 and 24 CCR, will be complied with. Topics of concern are provided in Table 7.4-2. Specifically, Title 8 CCR §§ 1509 (Construction) and §§ 3203 (General Industry) make numerous changes designed to redirect the emphasis of Cal-OSHA towards ensuring that employers have effective work site Illness and Injury Prevention Programs (IIPPs), to focus Cal-OSHA discretionary inspections in the highest hazard industries as determined by worker compensation and other occupational injury data, and to limit the number of follow-up inspections which Cal-OSHA must perform.

The administering agency for the above authority is DOSH.

**TABLE 7.4-2
POTENTIALLY APPLICABLE OCCUPATIONAL SAFETY
AND HEALTH TOPICS PRESCRIBED BY TITLE 8 CCR**

Standard	Description
Occupational Safety and Health Standards 401 – 428	Definitions Administration Variances Appeals Officers Hearing Board
General Industry Safety Orders Title 8, Sections 3200 – 6184	Employee/Employer Communications Injury and Illness Prevention Program Emergency Action Plan Fire Prevention Plan Hazardous Materials <ul style="list-style-type: none">• Control of Hazardous Substances• Hazard Communication Hazard Communication Emergency Medical Procedures Personal Protective Equipment Airborne Contaminants Signs, Tags, Barriers Noise Levels Ventilation Flammable/Combustible Materials Handling and Storage

TABLE 7.4-2 (CONTINUED)
POTENTIALLY APPLICABLE OCCUPATIONAL SAFETY
AND HEALTH TOPICS PRESCRIBED BY TITLE 8 CCR

Standard	Description
General Industry Safety Orders Title 8, Sections 3200 – 6184 (Continued)	Fire Protection Systems
	Machine Guarding
	Crane and Hoist Operation
	Heavy Equipment and Machine Operation
	Rigging
	Sanitary Facilities
	Traffic Safety
	Interface with other Contractors
	Miscellaneous Hazards, including hot pipes, compressed air system, relief valves, pipelines, loading docks.
General Construction Safety Orders Title 8, Sections 1500 – 1938	High Voltage Electrical Safety Orders
	Construction Accident Prevention Plan
	Weekly Toolbox Meetings
	Traffic Accidents and Earth Moving
	Hoist Equipment
	Reinforcing Concrete
	Fall Protection and Scaffolding
	Electrical Installations
	Evacuation Plan and Procedures
	Fire Safety
	Airborne Contaminants
	Emergency Medical Procedures
	Personal Protective Equipment
	Hand and Power Tool Use
	Crane and Hoist Operation
	Pile Driving
Electrical Safety Orders Title 8, Sections 2299 – 2974	High Voltage Installation, Operation and Maintenance
	Low Voltage Hazards
	High Voltage Hazards

California Public Resources Code § 25523 (a); 20 CCR § 1752, 1752.5, 2300-2309, and Division 2, Chapter 5, Article 1, Appendix B, Part (i), California Energy Commission (CEC). This code provides Health Risk Assessment Guidelines to assist in the evaluation of

the potential health impacts of a proposed project. The CEC requires the preparation of a quantitative health risk assessment.

The administering agency for the above authority is the CEC.

California Health and Safety Code § 25531 to 25543.3; 19 CCR §§ 2720-2734. This code establishes inventory, reporting, business, and area planning requirements with respect to hazardous and acutely hazardous materials in accordance with the federal Emergency Planning and Community Right-to-Know Act of 1986. Generally, it requires that any business that handles a hazardous material or mixture, in amounts greater than specified thresholds, must establish and implement a business plan for emergency responses to a release or threatened release of the hazardous material or mixture. The California Accidental Release Prevention (CalARP) Program effective June 28, 2004, is a merging of the federal and state programs for the prevention of accidental release of regulated toxic and flammable substances. The goal is to eliminate the need for two separate and distinct chemical risk management programs. The CalARP Program Administering Agency Guidance Document was finalized on August 28, 2003.

The administering agencies for the above authority are the Governor's Office of Emergency Services and the Kern County Environmental Health Services Department.

California Clean Air Act, California Health and Safety Code § 39650 et seq. This code mandates the California Air Resources Board (CARB) and the state to establish safe exposure limits for toxic air pollutants and identify pertinent best available control technologies (BACT). It requires that the new source review rule for each air pollution district include regulations that require new or modified procedures for controlling the emission of toxic air contaminants. Pursuant to this code, CARB has developed cancer potency estimates for several carcinogenic pollutants to use in assessing the carcinogenic risk associated with exposure to these pollutants.

The administering agencies for the above authority are the CARB and the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD).

California Health and Safety Code, Part 6, § 44300 et seq. The law requires that facilities which emit large quantities of a criteria pollutant and which emit any quantity of a toxic contaminant estimate emissions and provide the local Air Pollution Control District an inventory of toxic emissions. Such facilities may also be required to prepare a quantitative health risk assessment.

The administering agencies for the above authority are the CARB and the SJVUAPCD.

7.4.2.3 Local Authorities and Administering Agencies

Kern County Zoning Ordinance, Development Standards § 19.80.030. The local rule requires new sources to comply with safety setbacks as required by Kern County Fire Department.

The administering agency for the above authority is the Kern County Engineering & Survey Services Department.

7.4.2.4 Industry Codes and Standards

Several industry codes and trade association standards exist that may be applicable to the PEF Expansion to assure worker safety and health. Table 7.4-3 provides a listing of potentially applicable industry codes and standards. Typically, the codes and standards are requirements for the manufacturers of the facility equipment.

**TABLE 7.4-3
POTENTIALLY APPLICABLE INDUSTRY CODES AND STANDARDS**

American Association of State Highway Officials (AASHO)
American Institute of Steel Construction (AISC) Specifications
American National Standards Institute (ANSI)
American Petroleum Institute (API)
American Society for Testing and Materials (ASTM)
American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE)
American Society of Nondestructive Testing (ASNT)
American Society of Mechanical Engineering (ASME)
American Water Works Association (AWWA)
American Welding Society (AWS)
Asphalt Institute, Pacific Coast Division
California Building Code (CBC)
California State Fire Marshall (CSFM)
Heat Exchanger Institute
Hydraulic Institute Standards
Institute of Electrical and Electronic Engineers (IEEE)
Instrument Society of America (ISA)
National Association of Corrosion Engineers (NACE)
Standards of Tubular Exchanger Manufacturers Association (TEMA)
Steel Structures Painting Council Standards (SSPC)
Underwriters Laboratories (UL)
Uniform Building Code (UBC)
Uniform Fire Code (UFC)
Uniform Mechanical Code (UMC)
Uniform Plumbing Code (UPC)

7.4.3 Transmission Line Safety and Nuisance

Applicable LORS pertaining to transmission line safety and nuisance address aviation safety and communications interferences as they relate to the transmission line routes for the Pastoria Energy Facility. However, no new transmission lines are included as part of the PEF Expansion. Twelve relevant federal, state, and local LORS are shown in Section 7.4.3 of Table 7-1 under the Authority column. The administering authorities are also specified for the various LORS and include the Federal Aviation Administration (FAA), the CEC, the California Public Utility Commission (CPUC), and the Kern County Planning Department. LORS addressing hazard prevention (i.e., fire hazard, hazardous shock, nuisance shock, and noise) are covered under Section 7.3 Project Siting, Design, and Construction; Section 7.4.2, Public/Worker Safety and Health Protection; and Section 7.5.12, Noise.

7.4.4 Pipelines

7.4.4.1 Federal Authorities and Administering Agencies

The U.S. Department of Transportation's (USDOT) Pipeline and Hazardous Material Safety Administration (PHMSA), acting through the Office of Pipeline Safety (OPS), administers the Department's national regulatory program (Code of Federal Regulations, Title 49, Parts 190-199 October 1, 1998) to assure the safe transportation of natural gas, petroleum, and other hazardous materials by pipeline. OPS develops regulations and other approaches to risk management to assure safety in design, construction, testing, operation, maintenance, and emergency response of pipeline facilities. Since 1986, the entire pipeline safety program has been funded by a user fee assessed on a per-mile basis on each pipeline operator OPS regulates. This regulatory program does apply to the gas supply pipeline for the Pastoria Energy Facility. However, the PEF Expansion does not include any new pipeline infrastructure. No additional laws, ordinances, regulations or standards are applicable beyond those presented above in Sections 7.4.2.3 and 7.4.2.4.

7.4.4.2 State Authorities and Administering Agencies

If used, the injection wells will be designed in accordance with State and local well requirements and the Regional Water Quality Control Board or the Environmental Protection Agency. See Section 7.5.5.2 for additional discussion of the Water Quality Control Act and waste discharge requirements and Section 7.4.2.2 for discussion of safety and health regulations and standards.

7.4.4.3 Local Authorities and Administering Agencies

Wheeler Ridge-Maricopa Water Storage District Standard Specifications for Water Distribution Facilities. All materials and standard detail drawings will meet with Wheeler Ridge-Maricopa Water Storage District standards and related specifications including those pertinent to Standard Specifications for Water Distribution Facilities and the Standard Subdivision Improvement Agreement and Rule 15, if applicable.

7.4.4.4 Industry Codes and Standards

ANSI/AWWA C151/A21.51. Mechanical, structural, and electrical and instrumentation construction must conform to these standards and related specifications for pipeline materials, construction fittings, and gaskets. In addition to these standards, the manufacturer's recommendations should be the minimum standards applied.

Design codes that will be applied to the mechanical and hydraulic design of the pipelines include those of the Hydraulic Institute Standards, the American Water Works Association (AWWA), American National Standards Institute (ANSI), American Society of Civil Engineers (ASCE), and the American Society for Testing Materials (ASTM), American Society of Mechanical Engineers (ASME), and the National Association of Corrosion Engineers (NACE).

7.5 ENVIRONMENTAL INFORMATION

7.5.1 Introduction

This section provides a brief description of environmental LORS that may be applicable to the PEF Expansion. The LORS are presented in the same order as the resource discussions in Chapter 5.0. Table 7-1 provides a summary of this information.

7.5.2 Air Quality

The following LORS related to air quality issues are applicable to the proposed project.

7.5.2.1 Federal Authorities and Administering Agencies

Federal Clean Air Act, as amended (FCAA). The Federal Clean Air Act establishes ambient air quality standards and requires states to adopt measures to attain these standards. The FCAA also establishes emission limits for both criteria and hazardous air pollutants. These standards are referred to as New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

The FCAA mandates that states adopt measures to attain the ambient air quality standards. Review of major new sources of pollution or modifications to existing sources is also mandated by the FCAA.

The EPA Region 9 is the administering agency for the FCAA. EPA Region 9 is responsible for reviewing the attainment plans developed by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD).

Prevention of Significant Deterioration (PSD). Federal CAA (codified at 40 CFR 52.21) PSD requirements apply to the PEF Expansion. EPA Region 9 is the administering agency. A PSD permit application is being filed with EPA Region 9 concurrent with this AFC filing. The project will comply with all applicable PSD requirements.

New Source Performance Standards (NSPS). EPA's regulation 40 CFR Part 60 Subpart GG for Stationary Gas Turbines applies to the PEF Expansion. This regulation is delegated to SJVUAPCD and administered under Rule 4001. The PEF Expansion emissions will be well below the applicable NSPS for NO_x. Likewise, fuel burned by the gas turbines will satisfy requirements for SO₂. The Applicant will comply with emission and fuel monitoring requirements, and monitoring plans will be submitted, as required.

Federal Operating Permit (FOP). Federal Clean Air Act Title V, requirements codified at 40 CFR Part 70 and administered by SJVUAPCD under Rule 2520, will apply to the PEF Expansion after the start of operation. As required by federal and local regulations, the Applicant will submit a FOP application to SJVUAPCD within 12 months after operation commences.

Federal Acid Rain Program. Federal Clean Air Act Title IV requirements, codified at 40 CFR parts 72-78, will apply to the PEF Expansion. This program is administered by EPA Region 9. The Applicant will secure required SO₂ allowances and will perform required emission monitoring. Monitoring plans will be submitted as required by EPA rules.

7.5.2.2 State Authorities and Administering Agencies

California Clean Air Act of 1988, as amended (CCAA). The California CCAA establishes ambient air quality standards and classifies areas of the state depending on their attainment or non-attainment of these standards. Local air pollution agencies are required to implement measures to review and permit new and modified sources and to attain the ambient air quality standards.

The California Air Resources Board (CARB) provides oversight and policy direction to the local air pollution control agencies. However, the SJVUAPCD will be responsible for the review of the air permit application and enforcement of state air quality regulations.

7.5.2.3 Local Authorities and Administering Agency

California Health & Safety Code, Chapter 4, Article 1, § 42300 et seq.; CCR § 1745.5; and SJVUAPCD Rules 2010 and 2201. The Health & Safety Code requires an air pollution control district to establish a permit system to “insure that (the use) for which the permit was issued shall not prevent or interfere with the attainment or maintenance of any applicable air quality standards”. The SJVUAPCD will review the project’s compliance with its rules and regulations as part of the CEC’s certification of the proposed project. The SJVUAPCD will provide the evaluation as part of the determination of compliance (DOC) required under CCR § 1745.5 (b) for the CEC’s siting process. (The DOC is equivalent to the SJVUAPCD’s Authority to Construct). The SJVUAPCD will issue the PSD permit for the proposed project. Before these permits are issued, the proposed project must comply with SJVUAPCD’s rules and New and Modified Stationary Source Performance Standards.

Air Toxics “Hot Spots” Information and Assessment. Under California Health and Safety Code § 4430, administered by SJVUAPCD with CARB oversight, the Applicant will file required air toxics emissions information. This filing requirement applies after the start of operation. Assessments provided in Section 5.16 of this AFC indicate that the PEF Expansion will have insignificant air toxic impacts.

7.5.2.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.3 Geological Hazards and Resources

LORS pertaining to geological hazards and resources are discussed in Engineering Geology, Section 7.3.1.

7.5.4 Agriculture and Soils

The following LORS are applicable to protection of soils resource and protection of surface water quality from project induced erosion impacts.

7.5.4.1 Federal Authorities and Administering Agencies

The Federal Water Pollution Control Act of 1972; Clean Water Act of 1977 (including its 1987 amendments). These authorities establish requirements for any facility or activity which has or which will discharge wastes (including sediment due to accelerated erosion) that may interfere with the beneficial uses of receiving waters.

The administering agency for the above authority is the California Regional Water Quality Control Board, Central Valley Region 5 (RWQCB), Central Valley Region under the direction of the State Water Resources Control Board (SWRCB).

Soil Conservation Service (SCS), National Engineering Handbook (1983), Sections 2 and 3. The US Department of Agriculture prescribes standards of technical excellence for the SCS, now renamed the Natural Resources Conservation Service (NRCS) for the planning, design, and construction of soil conservation practices.

The administering agency for the above authority is the NRCS.

7.5.4.2 State Authorities and Administering Agencies

California Public Resources Code § 25523(a); CCR §§ 1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i). The Act provides for protection of environmental quality. With respect to the PEF Expansion, the Act requires submission of information to the CEC concerning potential environmental impacts, and the CEC's decision on the AFC must include consideration of environmental protection.

The administering agency for the above authority is the CEC.

Guidelines for Implementation of the California Environmental Quality Act of 1970, Appendix G, 14 CCR § 15000 – 15387; California Environmental Quality Act (CEQA), California Public Resources Code § 21000 et. seq. The CEQA guidelines specify that: "A project will normally have a significant effect on the environment if it will ...[¶] (q) Cause substantial flooding, erosion or siltation; ...[¶] (y) Convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural lands".

The administering agency for the above authority is the CEC.

California Porter-Cologne Water Quality Control Act of 1969, as amended; California Water Code, § 13260 - 13269; 23 CCR Chapter 9. The code requires adequate protection of water quality by appropriate design, sizing and construction of erosion and sediment controls. Discharge of waste earthen material into surface waters resulting from land

disturbance may require the filing of a report of waste discharge (Water Code § 13260(a)), and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of the waters of the state. Concerning potential surface water pollution from project area runoff, the waste discharge requirements may incorporate requirements based on the following sources of recommended methods and procedures:

- State Water Resources Control Board. 1996. *Erosion and Sediment Control Field Manual*.
- US EPA. 1973. *Processes, Procedures and Methods to Control Pollution Resulting From All Construction Activity*. Presents information on processes, procedures, and methods for controlling sediment, storm water, and pollutants from construction activities.
- California Department of Resources Conservation. 1978. *Erosion and Sediment Control Handbook*. Provides procedures by which physical and climatic data and erosion control practices can be considered in making an assessment of a site for determining the need for an erosion control plan and for preparing an erosion control plan.

The administering agencies for the above authority are the CEC, the RWQCB, and the State Water Resources Control Board.

7.5.4.3 Local Authorities and Administering Agencies

California Land Conservation Act (Williamson Act), Cal. Government Code Title 5, Part 1, Chapter 7 Section §§ 51200-51295. The Williamson Act provides for lowered property taxes for lands maintained in agricultural and certain open space uses. The landowner enters into a contract with the county or city to restrict land uses to those compatible with agriculture, wildlife habitat, scenic corridors, recreational use, or open space. In return, the local authorities calculate the property tax assessment based on the actual use of the land instead of its potential value assuming full commercial development. To be eligible, the land must be designated by a city or county as agricultural preserve, scenic highway corridor, or wildlife habitat area; or it must be actively used for the three years immediately preceding the beginning of the contract as a salt pond, managed wetland, recreational or open space area.

The administering agency for the above authority is the Kern County Planning Commission and the Kern County Planning Department.

Kern County General Plan – Land Use/Conservation/Open Space Element (2004). This element sets forth policies addressing soils, water, mineral resources, and vegetation.

The administering agency for the above authority is Kern County Planning Department.

Hydrology Manual for the County of Kern, California (1992). Any drainage systems design will meet the specified criteria.

The administering agency for the above authority is Kern County Planning Department.

Kern County Code of Building Regulation Grading Ordinance, Chapter 17.28. This chapter outlines how project construction must comply with grading requirements.

The administering agency for the above authority is the Kern County Engineering & Survey Services Department, Building Inspection Division.

7.5.4.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.5 Water Resources

The following LORS are applicable or potentially applicable to the proposed project in the context of water resources.

7.5.5.1 Federal Authorities and Administering Agencies

Clean Water Act of 1977 (including 1987 amendments) § 402, 33 USC § 1342; 40 CFR Parts 122 - 136. The Clean Water Act requires a National Pollution Discharge Elimination System (NPDES) permit for any discharge of pollutants from a point source to waters of the United States. This law and its regulations apply to storm water and other discharges into waters of the United States. The Clean Water Act requires a general construction activities permit for discharge of storm water from construction sites disturbing 1 acres or more. This federal permit requirement is administered by the State of California Water Resources Control Board according to the Construction Storm Water Program.

Dischargers whose projects disturb 1 or more acres of soil or whose projects disturb less than 1 acre but are part of a larger common plan of development that in total disturbs 1 or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

Construction activities at the PEF Expansion site will be performed in accordance with a Storm Water Pollution Prevention Plan (SWPPP) and associated Monitoring Plan developed for the Pastoria Energy Facility in accordance with the State of California's NPDES General Permit for Storm Water Discharges Associated with Construction Activity. The SWPPP will include control measures including Best Management Practices to reduce erosion and sedimentation as well as other pollutants associated with vehicle maintenance, material storage and handling, and other activities occurring at the project site.

The administering agencies for the above authority are the RWQCB, and the EPA, Region 9.

40 CFR Parts 144, 146. Wastewater discharged to ground injection wells must comply with permit requirements. Integrity of well casings and ability of formation to accept discharge will be periodically tested.

The administering agency for the above authority is EPA, Region 9.

Clean Water Act § 311; 33 USC § 1321; 40 CFR Parts 110, 112, 116, and 117. The Act requires the reporting of any prohibited discharge of oil or hazardous substance.

The administering agencies for the above authority are EPA, Region 9; RWQCB; and the California Office of Emergency Services (OES).

7.5.5.2 State Authorities and Administering Agencies

California Porter-Cologne Water Quality Control Act; California Water Code § 13000 - 14957; Division 7, Water Quality. The Porter-Cologne Water Quality Control Act authorizes the state to develop and implement a statewide program for the control of the quality of all waters of the state. The Act establishes the state board and each of the regional boards as the principal state agencies with primary responsibility for the coordination and control of water quality. Under § 13172, siting, operation, and closure of waste disposal sites are regulated. The Act requires classification of the waste and the disposal site. Discharges of waste must comply with the groundwater protection and monitoring requirements of the Resource Conservation and Recovery act of 1976, as amended (42 USC Sec. 6901 *et seq.*), and any federal acts which amend or supplement the Resource Conservation and Recovery Act of 1976, together with any more stringent requirements necessary to implement this revision or Article 9.5 (commencing with Section 25208) of Chapter 6.5 of Division 20 of the Health and Safety Code. The discussion above in Section 7.5.4.2 is also applicable. The project will comply with the regulations set forth in this act.

The administering agency for the above authority is the CEC, State Water Resources Control Board, and the Regional Water Quality Control Board, Central Valley Region 5 (RWQCB).

California Constitution, Article 10 § 2. This article prohibits the waste or unreasonable use of water, and regulates the method of use and method of diversion of water. The project will comply with the State constitution.

The administering agency for the above authority is the State Water Resources Control Board.

State Water Resources Control Board, Resolution 75-58 (June 18, 1975). The Board prescribes state water quality control policy on the use and disposal of inland water used for power plant cooling. The project will not be affected by this policy.

The administering agencies for the above authority are the State Water Resources Control Board and the CEC.

California Water Code § 13260 - 13269; 23 CCR Chapter 9. The code requires the filing of a report of waste discharge and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of the waters of the state. The waste discharge requirements will serve to enforce the relevant water quality protection objectives of the Water Quality Control Plan and federal, technology-based effluent standards applicable to the PEF Expansion. With respect to potential water pollution from construction activities, the waste discharge requirements may incorporate requirements based on the Clean Water Act § 402(p) and implementing regulations at 40 CFR Parts 122 seq., as administered by the RWQCB.

The administering agency for the above authority is the RWQCB.

California Water Code §§ 13271 - 13272; 23 CCR §§ 2250 - 2260. These code sections require reporting of releases of specified reportable quantities of hazardous substances or sewage (§ 13271) and releases of specified quantities of oil or petroleum products (§ 13272), when the release is into, or where it will likely discharge into, waters of the state. For releases into or threatening surface waters, a “hazardous substance” and its reportable quantities are those specified at 40 CFR § 116.5, pursuant to § 311(b)(2) of the Federal Clean Water Act, 33 USC § 1321(b)(2). For releases into or threatening ground water, a “hazardous substance” is any material listed as hazardous pursuant to the California Hazardous Waste Control Act, Health & Safety Code §§ 25100 - 2520.24, and the reportable quantities are those specified at 40 CFR Part 302. Although such releases are not anticipated, the project would comply with the reporting requirements.

The administering agencies for the above authority are the RWQCB and the Governor’s Office of Emergency Services.

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2 Subchapter 5, Article 1, Appendix B, Part (1). The code provides for the inclusion of requirements in the CEC's decision on an AFC to assure protection of environmental quality and requires submission of information to the CEC concerning proposed water resources and water quality protection.

The administering agency for the above authority is the CEC.

California Environmental Quality Act, Public Resources Code § 21000 *et seq.*; CEQA Guidelines, 14 CCR § 15000 *et seq.*; Appendix G. The CEQA Guidelines (Appendix G) contain definitions of projects which can be considered to cause significant impacts to water resources. The project is not expected to cause significant impacts to water resources, as described in Section 5.5.2.

The administering agency for the above authority is the CEC.

The Monterey Agreement. The principles outlined in the Monterey Agreement provide for increased agricultural water supply reliability, lower costs, water transfers, and more flexibility in operating the State Department of Water Resources and State Water Project. The Agreement between the State Department of Water Resources and State Water Project contractors was signed in December 1994. The Kern County Water Agency (KCWA) is a State Water Project contractor, and the Wheeler Ridge-Maricopa Water Storage District is a member KCWA agency. The project will not affect the policies of this agreement.

The administering agencies for the above agreement are the State Department of Water Resources and the Kern County Water Agency.

Clean Water Act § 401, Waiver of Discharge Requirements. Obtain certification that discharges will comply with Clean Water Act.

The administering agency for the above authority is the RWQCB.

7.5.5.3 Local Authorities and Administering Agencies

Kern County Water Agency. The Kern County Water Agency (KCWA), created by the California Legislature in 1961, has primary authority to acquire and contract for water supplies for Kern County, with additional authority to control flood and storm waters, protect the quality of underground waters, and conduct investigations relative to water resources. The KCWA coordinates management of the water supplies of Kern County, with particular emphasis on State Water Project supplies. The Pastoria Energy Facility which includes the

PEF Expansion will receive water from the Wheeler Ridge-Maricopa Water Storage District, which in turn contracts for State Water Project supplies from the KCWA.

The administering agencies are the Kern County Water Agency and the Wheeler Ridge-Maricopa Water Storage District.

Kern County General Plan; Section 1.3 Physical and Environmental Constraints. Kern County will not permit new development on lands that are environmentally unsound and unable to support such development. This includes regulations regarding areas of shallow groundwater, construction of sewage disposal facilities, and construction within flood hazard or flood channel areas.

The administering agencies for the above authority are the Kern County Planning Department and the Kern County Engineering & Survey Services Department, as applicable.

District Standard Specifications for Water Distribution Facilities. Project installation should be in compliance with District requirements.

The administering agency is the Wheeler Ridge-Maricopa Water Storage District.

Kern County Floodplain Management Plan, Chapter 17.48, Kern County Code of Building Regulations. Requirements should be met in regards to building in the floodplain.

The administering agency is the Kern County Engineering & Survey Services Department.

7.5.5.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable beyond those discussed in Section 7.4.

7.5.6 Biological Resources

The following LORS pertaining to biological resources are assessed for their potential applicability to the PEF Expansion.

7.5.6.1 Federal Authorities and Administering Agencies

Endangered Species Act of 1973; 16 USC § 1531 et seq.; 50 CFR Parts 17 and 222. The Act includes provisions for the protection and management of federally-listed threatened or endangered plants and animals and their designated critical habitats. The administering

agency for the above authority for terrestrial and avian species is the US Fish and Wildlife Service (USFWS).

There are no LORS pertaining to the Act that are applicable to the PEF Expansion.

National Environmental Policy Act (NEPA); 42 USC § 4321 et seq. The Act requires analysis of the environmental effects of federal actions. The administering agency for the above authority is the USFWS.

There are no LORS pertaining to the Act that are applicable to the PEF Expansion.

Migratory Bird Treaty Act; 16 USC §§ 703 - 711; 50 CFR Subchapter B. The Act includes provisions for protection of migratory birds, including basic prohibitions against any taking not authorized by federal regulation. A Federal Lead Agency is not identified for the PEF Expansion.

There are no LORS pertaining to the Act that are applicable to the PEF Expansion.

Fish and Wildlife Coordination Act; 48 Stat. 401, amended; 16 USC 661 et. seq. This act requires federal agencies such as the U.S. Corps of Engineers (Corps) to coordinate federal actions with the USFWS to conserve fish and wildlife resources. The administering agency for the above authority is the USFWS.

There are no LORS pertaining to the Act that are applicable to the proposed project.

Clean Water Act of 1977; 33 USC § 1251 - 1376; 30 CFR § 330.5(a)(26). Sections of the Act provides for the protection of wetlands. The administering agency for the above authority is the Corps.

There are no LORS pertaining to the Act that are applicable to the proposed project.

7.5.6.2 State Authorities and Administering Agencies

California Endangered Species Act of 1984; California Fish & Game Code §§ 2050 - 2098. The Act includes provisions for the protection and management of plant and animal species listed as endangered or threatened, or designated as candidates for such listing. The Act includes a consultation requirement “to ensure that any action authorized by a state lead agency is not likely to jeopardize the continued existence of any endangered or threatened species ... or result in the destruction or adverse modification of habitat essential to the continued existence of the species” (§ 2090). Plants of California declared to be endangered, threatened, or rare are listed at 14 CCR § 670.2. Animals of California declared to be

endangered or threatened are listed at 14 CCR § 670.5. The administering agency for the above authority is the California Department of Fish and Game (CDFG).

There are no LORS pertaining to the Act that are applicable to the proposed project.

Native Plant Protection Act of 1977; California Fish and Game Code § 1900 et seq. The code lists state-designated rare and endangered plants and provides specific protection measures for identified populations. The administering agency for the above authority is the CDFG.

There are no LORS pertaining to the Act that are applicable to the proposed project.

California Species Preservation Act of 1970; California Fish & Game Code §§ 900 - 903. The Act includes provisions for the protection and enhancement of the birds, mammals, fish, amphibians, and reptiles of California. The administering agency for the above authority is the CDFG.

There are no LORS pertaining to the Act that are applicable to the proposed project.

California Fish & Game Code § 3503, § 3513, and § 355-357. These code sections prohibit the taking and possessing of any bird egg or nest and directs the Fish and Game Commission to adopt regulations pertaining to migratory birds to conform with or to further restrict the rules and regulations prescribed pursuant to the federal Migratory Bird Treaty Act. The administering agency for the above authority is the CDFG

There are no LORS pertaining to the codes that are applicable to the PEF Expansion.

California Fish & Game Code § 3511 and § 5050. The code section prohibits the taking and possessing of birds or reptiles listed as “fully protected”. The administering agency for the above authority is the CDFG.

There are no LORS pertaining to the codes that are applicable to the PEF Expansion.

California Fish & Game Code § 1600-1616 (effective January 1, 2004). The code specifies CDFG review and permitting procedures for any proposal to “substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.” The administering agency for the above authority is the CDFG.

There are no LORS pertaining to the Code that are applicable to the proposed project.

California Fish & Game Code § 1930-1933. The Significant Natural Areas Program (SNAP) is a database of natural resources. The administering agency for the above authority is the CDFG Natural Heritage Division.

There are no LORS pertaining to the Code that are applicable to the proposed project.

California Environmental Quality Act, Public Resources Code § 21000 et seq. The Act provides for protection of the environment, including biological species and their habitats. Specifically, § 21001 states, in part, it is a purpose of the Act to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all California plant and animal communities. Furthermore, with respect to § 21001, § 21006 specifies that CEQA review and compliance is an integral part of any public agency's decision making process, including, but not limited to, the issuance of permits, licenses, and certificates.

The administering agency for the above authority is the CEC.

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article I, Appendix B, Part (i). These code and regulation sections require the CEC to assure protection of environmental quality. In the context of biological resources, a proposed project is generally considered to have a significant effect on the environment if it will substantially affect a rare or endangered species (20 CCR § 15380). The administering agency for the above authority is the CEC (with comment by the CDFG). In full consideration of the previous discussions regarding the federal and State acts and the State codes, the potential to substantially affect a rare or endangered species is regarded as discountable.

7.5.6.3 Local Authorities and Administering Agencies

Kern County General Plan, Land Use/Conservation/Open Space Element (2004). Kern County requires actions to ensure that proposed development projects demonstrate a high degree of compatibility with any threatened or endangered species habitat they may affect. The administering agency is the Kern County Planning Department.

7.5.6.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.7 Cultural Resources

Discussion of the applicable LORS for cultural resources is provided in Cultural and Paleontological Resources, Section 7.5.8, below.

7.5.8 Cultural and Paleontological Resources

The applicable LORS for the evaluation and protection of paleontological resources are combined with those for cultural resources and include the following:

7.5.8.1 Federal Authorities and Administering Agencies

National Historic Preservation Act of 1966 (NHPA), as amended; 16 USC § 470 et. seq.; Section 106; 36 CFR 800. The code includes provisions for protection of significant archaeological and historical resources. Procedures for dealing with previously unsuspected cultural resources discovered during construction are identified in 36 CFR 800 (for implementing § 106 processes).

The administering agency for the above authority is the State Historic Preservation Officer (SHPO) and the federal lead agency. Federal involvement has not yet been identified for the PEF Expansion, thus a lead Federal agency would be identified at the time the PEF Expansion is determined to be a “Federal undertaking”.

National Environmental Policy Act of 1968 (NEPA), as amended; 42 USC § 4321-4327; 40 CFR 1502.25. The Act requires analysis of potential environmental impacts to cultural resources. Federal involvement has not yet been identified for the PEF Expansion, thus a lead Federal agency would be identified at the time the PEF Expansion is determined to be a “Federal undertaking”.

1978 Memorandum from Acting Director of BLM. This memorandum provides significance criteria for paleontological resources. Federal involvement has not yet been identified for the PEF Expansion, thus a lead Federal agency would be identified at the time the PEF Expansion is determined to be a “Federal undertaking”.

Federal Antiquities Act of 1906, 16 USC 432, 433. This Act serves as the basis for legislation regarding the preservation of cultural properties on federal lands, and provides for a permit process for scholarly use of properties, and misdemeanor-level penalties. Federal involvement has not yet been identified for the PEF Expansion, thus a lead Federal agency would be identified at the time the PEF Expansion is determined to be a “Federal undertaking”.

Executive Order 11593. This Executive Order directs federal agencies to inventory cultural properties under their jurisdiction, to nominate properties to the National Register of Historic Places (NRHP), and to use due caution until the inventory and nomination processes are completed. Federal involvement has not yet been identified for the PEF Expansion, thus a lead Federal agency would be identified at the time the PEF Expansion is determined to be a “Federal undertaking”.

Archeological and Historic Preservation Act of 1976, 16 USC 469. This Act provides for the preservation of historical and archaeological data that might otherwise be lost as the result of a federal construction project or a federally licensed or assisted project. Federal involvement has not yet been identified for the PEF Expansion, thus a lead Federal agency would be identified at the time the PEF Expansion is determined to be a “Federal undertaking”.

Archaeological Resources Protection Act of 1979, 42 USC 470aa et seq. This Act provides felony-level penalties for removal or damage to archaeological resources more than 100 years old. The administering agency for the above authority is the Secretary of the Interior. Federal involvement has not yet been identified for the PEF Expansion, thus a lead Federal agency would be identified at the time the PEF Expansion is determined to be a “Federal undertaking”.

American Indian Religious Freedom Act of 1979, 42 USC 1996. It is the policy of the United States to protect and preserve the American Indian’s (and other indigenous groups) right to express and exercise their traditional religions, including access to religious sites. Federal involvement has not yet been identified for the PEF Expansion, thus a lead Federal agency would be identified at the time the PEF Expansion is determined to be a “Federal undertaking”.

Native American Graves Protection and Repatriation Act of 1990, 25 USC 3001. This Act establishes the rights of Indian tribes and Native Hawaiians to claim ownership of certain human remains and cultural items held or controlled by federal agencies. Federal involvement has not yet been identified for the PEF Expansion, thus a lead Federal agency would be identified at the time the PEF Expansion is determined to be a “Federal undertaking”.

Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, September 29, 1983. These guidelines are non-regulatory standards for the gathering and treatment of data related to cultural resources. The administering agency for the above authority is the Secretary of the Interior and a lead Federal agency that would be identified at the time the PEF Expansion is determined to be a “Federal undertaking”.

7.5.8.2 State Authorities and Administering Agencies

California Environmental Quality Act (CEQA) Section 15064.5; California Public Resources Code § 5024, 5024.5, and 21083.2; Title 14, CCR § 15126. CEQA addresses the treatment of cultural resources that could be affected by the PEF Expansion, the evaluation of the importance of these resources, the assessment of project impacts to important resources, and the development of a plan to avoid or address adverse effects to these resources. Formal findings of importance (for state purposes, eligibility to the California Register of Historic Places) and project effects are made by the lead state regulatory agency or, for federal undertakings, in consultation between the federal lead agency, State Historic Preservation Officer (SHPO), and the Advisory Counsel on Historic Preservation.

The administering agency for the above authority is the CEC.

California Public Resources Code §§ 25523(A), 25527; 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i). The code sections provide for the inclusion of requirements in the CEC's decision on an AFC to assure protection of environmental quality; the AFC is required to include a detailed description and discussion of the environment of the project area and the CEC is required to give special consideration to the need for protection of unique historical, archaeological and cultural sites.

The administering agency for the above authority is the CEC.

California State Public Resources Code § 5024.1 and § 5020.4. These code sections provide for the establishment of the California Register of Historic Resources and procedures for reviewing applications for listing historic and archaeological resources on the National Register of Historic Places, the California Register of Historical Resources, and the California Historical Landmarks and California Points of Historical Interest registration programs.

The administering agency for the above authority is the Office of Historic Preservation, State Historical Resources Commission.

California Public Resources Code § 5097.5. The code section makes it a misdemeanor to remove without authorization archaeological resources or paleontological remains on sites located on public lands including lands under the jurisdiction of a county agency (Stats. 1965, c. 1136, p. 2792).

The administering agency for the above authority is the Kern County Planning and Development Department.

California Public Resources Code § 5097.94 and 5097.98. The code section provides for mediation of disputes related to recovery and treatment of Native American human remains and identification of Most Likely Descendants.

The administering agency for the above authority is the California Native American Heritage Commission (NAHC).

California State Health and Safety Code § 7050.5. The code section provides for County Coroner identification of human remains and, if determined to be of Native American origin, coordination with the NAHC.

The administering agency for the above authority is the Kern County Coroner/Public Administrator Division (Medical Examiner).

7.5.8.3 Local Authorities and Administering Agencies

Kern County General Plan, Section 1.10.3, Archaeological, Paleontological, Cultural and Historic Preservation (Kern County 2004). The County will promote the preservation of cultural and historic resources.

The administering agency for the above authority is the Kern County Planning Department.

7.5.8.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.9 Land Use

Applicable LORS pertaining to land use as they relate to the PEF Expansion include the following:

7.5.9.1 Federal Authorities and Administering Agencies

None applicable.

7.5.9.2 State Authorities and Administering Agencies

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Appendix B, Part (i)(3) and (4). The authorities include provisions to assure protection of environmental quality, including compatibility of a proposed project with relevant land use plans.

The administering agency for the above authority is the CEC.

California Land Conservation Act (Williamson Act). California Government Code Title 5, Part 1, Chapter 7, Section §§ 51200-51295. The Williamson Act provides for lowered property taxes for lands maintained in agricultural and certain open space uses. The landowner enters into a contract with the county or city to restrict land uses to those compatible with agriculture, wildlife habitat, scenic corridors, recreational use, or open space. In return, the local authorities calculate the property tax assessment based on the actual use of the land instead of its potential value assuming full commercial development. To be eligible, the land must be designated by a city or county as agricultural preserve, scenic highway corridor, or wildlife habitat area; or it must be actively used for the three years immediately preceding the beginning of the contract as a salt pond, managed wetland, recreational or open space area.

The administering agency for the above authority is the Kern County Planning Department.

7.5.9.3 Local Authorities and Administering Agencies

Kern County Zoning Ordinance Code, Title 19 (July, 2003). The Zoning Ordinance was adopted by the County to regulate land uses. The current zoning for areas affected by the Pastoria Energy Facility and its associated facilities which includes the PEF Expansion is identified in Section 5.9, Land Use. The project will comply with the Ordinance.

The administering agency for the above authority is Kern County Planning Department.

Kern County General Plan: Land Use/Conservation/Open Space Element and Energy Element (2004). The General Plan is intended to provide general guidance as to appropriate land uses in the County. The land use designations for areas affected by the Pastoria Energy Facility and its associated facilities which includes the PEF Expansion are identified in Section 5.9, Land Use. The project will comply with the General Plan.

The administering agency for the above authority is Kern County Planning Department.

Encroachment Permit Guidelines: Guidelines for Overhead Electrical and Telephone Encroachments. These guidelines prescribe permit requirements for encroachment upon certain right of ways and clearance requirements. These guidelines also prescribe tower/pole location restrictions and other requirements.

The administering agency for the above authority is the Kern County Planning Department.

7.5.9.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.10 Socioeconomics

The following LORS are applicable or potentially applicable to the Pastoria Energy Facility which includes the PEF Expansion in the context of socioeconomics.

7.5.10.1 Federal Authorities and Administering Agencies

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”. The Order focuses federal attention on the environment and human health conditions of minority communities and calls on agencies to achieve environmental justice as part of their mission. The Order requires the US Environmental Protection Agency (EPA) and all other federal agencies (as well as state agencies receiving federal funds) to develop strategies to address this problem. Agencies are required to identify and address any disproportionately high and/or adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

The administering agencies for the above authority are the US EPA and CEC, and all other agencies involved with the PEF Expansion. The project will have no minority-based or income-based environmental justice issues.

7.5.10.2 State Authorities and Administering Agencies

California Gov. Code §§ 53080, 65955 - 65997. The code includes provisions for levies against development projects near school districts.

The administering agency for the above authority is the Kern County Planning Department.

California Environmental Quality Act (CEQA); California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Appendix B, Part (i); 14 CCR § 15131. Under the California Resources Agency regulations for implementation of CEQA, economic or social effects of a project “shall not be treated as significant effects on the environment” but may be “used to determine the significance of physical changes caused by the Project” (14 CCR § 15131).

The administering agency for the above authorities is the CEC.

7.5.10.3 Local Authorities and Administering Agencies

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.10.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.11 Traffic and Transportation

The following LORS are applicable to the control of traffic and transportation as it relates to the PEF Expansion.

7.5.11.1 Federal Authorities and Administering Agencies

49 CFR, Chapter II, Subchapter C; and Chapter III, Subchapter B. These authorities establish national standards for the transportation of hazardous materials (Chapter II, Subchapter C), and national safety standards for the transport of goods and materials and substances over public highways (Chapter III, Subchapter B, Parts 171-173, 177-178).

The administering agency for the above authority is the United States Department of Transportation (USDOT) California Department of Transportation District 6.

7.5.11.2 State Authorities and Administering Agencies

California Vehicle Code § 35780; California Streets & Highways Code §§ 117 and 660-711; 21 CCR §§ 1411.1-1411.6. These codes specify permit requirements for “overload” approvals (transportation permits) for transportation over state highways.

The administering agency for the above authority is the California Department of Transportation District 6.

California Streets and Highways Code §§ 117, and 660-711. This code requires permits for any construction, maintenance or repair involving encroachment on State highway rights of way.

The administering agency for the above authority is the California Department of Transportation District 6.

California Vehicle Code § 31300 et seq. The code includes provisions for the transportation of hazardous materials on State highways.

The administering agency for the above authority is the California Department of Transportation District 6.

7.5.11.3 Local Authorities and Administering Agencies

Kern County Regional Transportation Plan. The Regional Transportation Plan (RTP) establishes regional transportation goals, policies, objectives, and actions for various modes of transportation, including intermodal and multimodal transportation activities. The RTP is implemented through the County Transportation Improvement Program (TIP).

The administering agency for the above authority is the Kern Council of Governments.

Kern County Congestion Management Plan. The Congestion Management Plan establishes guidelines for development of a balanced transportation system, relating population and traffic growth, land use decisions, level of service (LOS) performance standards, and air quality improvement.

The administering agency for the above authority is the Kern Council of Governments.

Kern County General Plan, Circulation Element, 2004. The General Plan establishes goals and policies, and identifies implementation measures for County traffic and transportation systems.

The administering agency for the above authority is the Kern County Planning Department.

Encroachment Permits. The Kern County Resource Management Agency, Roads Department requires encroachment permits for pipeline crossings of County-maintained roadways.

The administering agency for the above authority is the Kern County Resource Management Agency, Roads Department, Transportation & Encroachment Permits Division.

7.5.11.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.12 Noise

The applicable LORS relating to noise applying to the PEF Expansion include the following:

7.5.12.1 Federal Authorities and Administering Agencies

The federal government has no enforceable standards or regulations for environmental noise levels. However, the EPA has issued environmental noise guidelines (EPA, 1974) to assist in the development of state and local LORS. The federal government has issued enforceable regulations for occupational noise exposure.

EPA 1974 Noise Guidelines. Guidance levels for protection of outdoor and indoor activities for noise are L_{dn} 55 dBA, and 45 dBA, respectively (EPA, 1974). These recommendations apply to residential land use and are defined as the environmental noise levels required to protect the public health and welfare with an adequate margin of safety. The EPA is careful to stress that the recommendations contain a factor of safety and do not consider technical or economic feasibility issues, and therefore should not be construed as standards or regulations.

The guidelines are not administered, per se, by any agency.

Occupational Safety and Health Act of 1970, (29 CFR § 1919 et seq.). The Fed-OSHA has established maximum permissible worker noise exposure levels to protect against worker hearing damage. The noise exposure criteria are based on a worker's noise level exposure over a specific duration. For example, a worker shall not be exposed to an average sound pressure level in excess of 90 dBA over an 8 hour period. When worker noise level exposure exceeds the permissible level, noise levels must be controlled through feasible engineering or administrative controls. When such controls fail to reduce the noise exposure to permissible levels, personal protective equipment must be provided and used to reduce the noise exposure to a permissible level.

The administering agency for the above authority in the State of California is the California Department of Industrial Relations.

Noise Control Act (1972) as amended by the Quiet Communities Act (1978); (42 USC 4901 - 4918). To promote an effective noise control program, federal, state, and local agencies are provided with a framework for cooperation through the Quiet Communities Program.

The guidelines are not administered, per se, by any agency.

7.5.12.2 State Authorities and Administering Agencies

The state does not promulgate a statewide uniform standard, but requires that each county include within their General Plan a Noise Element for control of environmental noise.

Additionally, requirements for occupational noise exposure are set forth in Title 8 of the California Code of Regulations.

Cal-OSHA Occupational Noise Exposure Regulations (8 CCR, General Industrial Safety Orders, Article 105, Control of Noise Exposure, § 5095, et seq.). The Cal-OSHA occupational noise exposure criteria are equivalent to the Fed-OSHA criteria. The criteria are based on a worker's noise level exposure over a specific time period. Maximum permissible worker noise exposure levels to protect against damage to the workers' hearing have been established. Compliance with these levels will be achieved through either engineering controls or hearing protection and warning signs.

The administering agency for the above authority in the State of California is the California Department of Industrial Relations.

California Noise Control Act of 1973 (California Health and Safety Code, Division 28). The State assists local agencies with legal and technical expertise to encourage the establishment and enforcement of local noise ordinances.

The guidelines are not administered, per se, by any agency.

7.5.12.3 Local Authorities and Administering Agencies

Kern County General Plan, Noise Element, 2004. The Kern County General Plan Noise Element establishes goals, policies, and programs for reducing noise within the County. Environmental noise limits are based on the land use of the property receiving the noise. Land uses are categorized as Insensitive, Moderately Sensitive, Sensitive, and Highly Sensitive. The nearest noise sensitive receptors to the proposed project site include residences on Tejon Ranch (approximately 5 miles from the existing PEF site) and residences further away in McKittrick. These single-family rural dwellings would be classified as Highly Sensitive land uses. As such, the maximum permissible noise level for the proposed project is L50 40 dBA at the residential properties.

The administering agency for the above authority is the Kern County Planning Department.

7.5.12.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.13 Visual Resources

The following LORS are applicable to the protection of aesthetic values and visual resources as they relate to the PEF Expansion.

7.5.13.1 Federal Authorities and Administering Agencies

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.13.2 State Authorities and Administering Agencies

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.13.3 Local Authorities and Administering Agencies

Kern County has no specific policies on visual or aesthetic resources that apply to the PEF Expansion. However, these issues are addressed in the Kern County General Plan, Land Use/Conservation/Open Space Element (approved June 15, 2004), and are implemented by the Kern County Planning Department. This element of the General Plan requires public notification and review of any projects that may adversely impact visual resources. In accordance with Chapter 19.86 of the Kern County Zoning Ordinance Code, a Landscape Plan is typically required when the building permit application is submitted along with the final construction drawings. The PEF Expansion is generally consistent with the land use designation for the area, and therefore, is considered consistent with associated visual resource planning purposes and General Plan requirements.

7.5.13.4 Industry Codes and Standards

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.14 Waste Management

Information on Waste Management LORS is presented in Section 7.5.15, Hazardous Materials Handling, below.

7.5.15 Hazardous Materials Handling

The following LORS are applicable or potentially applicable to the PEF Expansion for the management of hazardous materials and generated waste streams.

7.5.15.1 Federal Authorities and Administering Agencies

Resource Conservation and Recovery Act (RCRA); 42 USC § 6901 et seq.; 40 CFR Parts 260 - 272. These codes and regulation sections set forth federal standards for the generation and management of solid waste (42 USC § 6922). Application to the EPA will be coordinated with the application to the California Department of Toxic Substances Control for an EPA identification number and hazardous waste generator license.

The administering agencies for the above authority are the EPA, Region 9 and Cal-EPA, Department of Toxic Substances Control.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), 42 USC 9601 et seq. 40 CFR 302 as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III), 42 USC § 11001 et seq; 40 CFR Parts 350, 355 and 370. CERCLA prescribes that the National Response Center be notified for any release of a reportable quantity of a hazardous substance (42 USC § 9603); notification requirements for any potentially injured parties in connection with any such release (42 USC § 9611(g)); and requirements for demonstration of financial responsibility in connection with storage of hazardous substances (42 USC § 9608(b)).

Superfund regulations define “hazardous substance” as any material appearing in lists referenced in 42 USC 9601 (14) (Section 101). EPA’s regulations at 40 CFR 302.4, Table 302.4, set forth the list of hazardous substances under CERCLA and the reportable quantities for each.

SARA Title III established a nationwide emergency planning and response program and imposed reporting requirements for businesses that store, handle, or produce significant quantities of hazardous or acutely toxic substances as defined under federal laws. It requires the states to implement a comprehensive system to inform federal authorities, local agencies, and the public when a significant quantity of hazardous acutely toxic substance is stored or handled at a facility. In California, many of the requirements of SARA are reflected in Chapter 6.95 of the California Health and Safety Code.

The administering agencies for the above authority are the EPA, Region 9, the National Response Center, and Kern County Environmental Health Services Department.

29 USC § 651, 29 CFR § 1910 et seq. and § 1926 et seq. Meet requirements for equipment used to store and handle hazardous materials necessary to protect workers.

The administering agency for the above authority is the Federal OSHA.

49 CFR Parts 172, 173, and 179. The code provides standards for labels, placards, and markings on hazardous waste shipments by truck (Part 172) and standards for packaging hazardous wastes (Part 173 and 179).

The administering agency for the above authority is the California Highway Patrol and the United States Department of Transportation (USDOT).

29 CFR § 1910 et. seq and § 1926 et seq. These sections contain requirements for equipment used to store and handle hazardous materials. This regulation also addresses requirements for equipment necessary to protect workers in emergencies. It is designed primarily to protect worker health, but also contains requirements that affect general facility safety. The California regulations contained in Title 8 (California equivalent of 29 CFR) are generally more stringent than those contained in Title 29.

The administering agency for the above authority is the EPA and OSHA.

40 CFR, Parts 144, 145, and 146. The regulations in these parts establish minimum requirements for Underground Injection Control (UIC) programs including State UIC program requirements (Part 145) and technical criteria and standards for the UIC program (Part 146).

The administering agencies for the above authority are the EPA and California Regional Water Quality Control Board, Central Valley Region 5.

7.5.15.2 State Authorities and Administering Agencies

California Porter-Cologne Water Quality Control Act; California Water Code § 13260 - 13269; 23 CCR § 2510 Article 9 et seq. These code and regulation sections address waste discharge requirements of the California Regional Water Quality Control Board, Central Valley Region 5 (RWQCB) and will apply to any storage or disposal of solid and liquid wastes by the Pastoria Energy Facility including the PEF Expansion to the extent that such action may affect the quality of the waters of the state.

The administering agencies for the above authority are the RWQCB, Region 5 and the California Water Resources Control Board.

Hazardous Waste Control Act of 1972, as amended; California Health & Safety Code § 25100 et seq.; 22 CCR § 66001 et seq. These code and regulation sections address the management of hazardous wastes. Because the PEF Expansion activities will not include hazardous waste treatment and all hazardous waste will be offered for transportation offsite by a contractor, the requirements of principal concern are those governing the generation,

storage and preparation for shipment of hazardous wastes. Potentially applicable requirements include the following:

- Determining Waste Characterization (22 CCR §§ 25100 *et seq.*, 66305, 66471)
- Obtaining a Waste Identification Number (22 CCR 66472)
- Certifying on waste shipment manifests that the Applicant has a program to reduce the volume and toxicity of the waste to the degree that it has determined to be economically practicable, and reporting to Department of Toxic Substances Control (DTSC), at least every two years, the changes in volume and toxicity of wastes achieved through waste reduction (42 USC § 6922(a) and (b); California Health & Safety Code § 25244)
- Complying with standards for the storage of hazardous wastes (California Health & Safety Code §§ 25123.3; 15117.12; 22 CCR §§ 66508, 25159 - 25159.5)
- Arranging proper transport and disposal or treatment of hazardous wastes (California Health & Safety Code §§ 25163, 25203; 22 CCR §§ 66472, 66480)
- Preparing a manifest for the transportation of hazardous wastes; providing DTSC with a biennial report regarding hazardous waste shipments (22 CCR §§ 66480 - 66484, 66493)
- Complying with packaging and labeling requirements for shipments of hazardous wastes [22 CCR §§ 66504 - incorporating the US Department of Transportation requirements at 49 CFR Parts 173, 178 and 179 (packaging), and Part 172 (labeling and marking)]
- Maintaining waste testing and disposal records for specified periods (22 § CCR 66492)
- Complying with financial responsibility requirements (California Health & Safety Code §§ 25245-25249; 22 CCR §§ 67001-67035)
- Complying with used oil management requirements, unless exempted (California Health & Safety Code § 25250-25250.25)
- Complying with emergency preparedness, prevention, and planning requirements (22 CCR §§ 67120-67126)
- Complying with monitoring requirements (22 CCR §§ 67180-67188)
- All businesses that handle or store hazardous materials above the threshold quantities of 55 gallons for liquids, 500 pounds for solids, and 200 cubic feet for compressed gases, must file a Hazardous Materials Business Plan and Chemical Inventory with the Kern County Environmental Health Services Department.

The administering agencies for the above authority are the EPA, Region 9, the DTSC, and the Kern County Environmental Health Services Department.

8 CCR § 339; § 3200 et seq., 5139 et seq., and 5160 et seq. 8 CCR § 339 lists hazardous chemicals relating to HSITA; 8 CCR § 3200 et seq. and 5139 et seq. address control of hazardous substances; 8 CCR § 5160 et seq. addresses hot, flammable, poisonous, corrosive, and irritant substances.

The administering agency for the above authorities is the CEC.

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Parts (c) and (1). The code sections provide for the inclusion of requirements in the CEC's decision on an AFC to assure protection of environmental quality, waste handling and control, and water quality protection based on Health Risk Assessment Guidelines. Also requires submission of information to the CEC concerning proposed water resources and water quality protection.

The administering agency for the above authority is the CEC.

California Health & Safety Code §§ 25500 - 25543.3, 19 CCR § 2720-2734. These sections require the preparation of a Hazardous Materials Business Plan (HMBP) by an Applicant. Such plans address in detail emergency planning and response aspects in the event of a hazardous materials release at a facility. It may also require the preparation of a California Accidental Release Program (Cal-ARP) Risk Management Plan (§§ 25531 - 25543.3) where highly toxic or highly flammable regulated substances are used. This plan must be based on studies identifying potential hazards associated with the handling of these materials proposed for use at the facility.

The administering agency for the above authorities is the Kern County Environmental Health Services Department. The Kern County Environmental Health Services Department is a Certified Unified Program Agency (CUPA) and is the administering agency for HMBPs.

California Accidental Release Program (CalARP), Cal. Health & Safety Code § 25531 et seq. California's version of the Risk Management Program (Clean Air Act, Title III, Section 112 (r) - 42 USC Part 7412).

The administering agency for the above authority is the Kern County Environmental Health Services Department.

Cal. Health & Safety Code § 44300 et seq. (Air Toxics "Hot Spots" Information and Assessment Act of 1987). The Act states under subsection 44301(h) It is in the public interest to ascertain and measure the amounts and types of hazardous releases and potentially hazardous releases from specific sources that may be exposing people to those releases, and to assess the health risks to those who are exposed. Furthermore, subsection 44306 states that

“Health risk assessment” means a detailed comprehensive analysis prepared pursuant to Section 44361 to evaluate and predict the dispersion of hazardous substances in the environment and the potential for exposure of human populations and to assess and quantify both the individual and population wide health risks associated with those levels of exposure.

The administering agency for the above authority is the SJVUAPCD.

Uniform Fire Code, Article 80 and Others. The code includes provisions for storage and handling of hazardous materials. There is considerable overlap between this code and Chapter 6.95 of the California Health & Safety Code. The fire code does, however, contain independent provisions regarding fire protection and neutralization systems for emergency venting (see Section 80.303, D (compressed gases)). Article 4 establishes hazardous materials storage thresholds above which a permit is required. Article 79 presents requirements for combustible and flammable liquids.

The administering agency for the above authority is the Kern County Fire Department.

7.5.15.3 Local Authorities and Administering Agencies

Kern County Zoning Ordinance, Development Standards § 19.80.030. The ordinance requires the project to comply with setbacks as established by the Kern County Fire Department.

The administering agencies for the above authority are the Kern County Engineering & Survey Services Department and the Kern County Fire Department.

7.5.15.4 Industry Codes and Standards

American Institute of Chemical Engineers (AIChE) - Center for Chemical Process Safety, 1985 Guidelines. These guidelines provide for chemical hazard evaluation procedures.

The administering agency for the above authority is the Governor’s Office of Emergency Services (OES).

7.5.16 Public Health

Information pertaining to Public Health LORS is presented in Section 7.4.2, Public/Worker Safety and Health Protection.

7.5.17 Worker Safety

Information pertaining to Worker Safety LORS is presented in Section 7.4.2, Public/Worker Safety and Health Protection.